

APPENDIX B

ZONING REGULATIONS

Chattanooga Zoning Ordinance No. 5149 and Amendments
Re-enacted by Ordinance No. 6958

(Supplement No. 1 Containing Ordinances
Through and Including May, 1997)

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CHATTANOOGA ZONING ORDINANCE

**ORDINANCE No. 5149 AND AMENDMENTS
(RE-ENACTED BY ORDINANCE No. 6958)
(SUPPLEMENT No. 1 CONTAINS ORDINANCES
DATING THROUGH AND INCLUDING MAY, 1997)**

AN ORDINANCE Regulating and Restricting the Use of Land and the Use and Location of Buildings and Structures; Regulating and Restricting the Height, Size and Bulk of Buildings and Structures, and Determining the Area of Yards, Courts and Other Places Surrounding Same; Regulating and Restricting the Density of Population; Dividing the City of Chattanooga into Districts For Such Purposes; Adopting Maps of Said City Showing Boundaries and Classification of Such Districts; Providing for Correcting Errors and Granting Variances, and Prescribing Penalties For the Violation of its Provisions.

WHEREAS, by the provisions of Sections 13-701, *et seq.*, *Tennessee Code Annotated*, the City Council of the City of Chattanooga is authorized to establish districts or zones within its corporate limits for the purpose of regulating the use of land and buildings, the height of buildings, the size of open space surrounding buildings, and the density of population; and

WHEREAS, the City Council of the City of Chattanooga deems it necessary in order to lessen the congestion in the streets, to secure safety from fire, panic and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements, to make and promulgate such regulations with reasonable consideration among other things, to the character of the district and its peculiar suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout said City in accordance with a comprehensive plan;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA,
TENNESSEE, That:

ARTICLE I. This ordinance shall be known and cited as the
"Chattanooga Zoning Ordinance."

(ARTICLE II, Definitions, continued...)

ARTICLE II. DEFINITIONS

For the purpose of this Ordinance, words and terms are defined as follows:

100. Words used in the present tense include the future; words in the singular number include the plural, and words in the plural number include the singular; the word "building" includes the word "structure"; the word "shall" is mandatory and not directory.

(1) Accessory Use of Building: A use of building subordinate to the main building on the lot and used for purposes customarily incidental to those of the main building.

(2) Addition (to an existing building): Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

[Ordinance No. 9741 - 6/23/92]

(3) Alley: A way which affords only secondary means of access to abutting property.

(4) Apartment Houses: See "Dwelling, Multiple."

(5) Appeal: A request for a review by a higher authority of the interpretation of any provision of these regulations or a request for variance.

(6) Area of Special Flood Hazard: The land in the flood plain within a community subject to a one (1) percent or greater chance of flooding in any given year (see also "High Water Stage").

[Ordinance No. 7712 - 8/12/80]

(6.01) Assisted Living Facility: Any building, establishment, complex which accepts persons for domiciliary care and provides room, board, and non-medical living assistance to the residents. Prescribed medical treatment may be administered, subject to the provisions of T.C.A. §68-11-201.

[Ordinance No. 10447 - 7/16/96]

(7) Attached: Connected by an enclosure of either continuous walls or supporting columns, roof and floor and structurally integrated into the principal building on site.

[Ordinance No. 8896 - 1/26/88]

- (8) Auto Wrecking Yard: Any place where three (3) or more vehicles not in running condition, or the parts thereof, are stored in the open. This definition is not intended to include such businesses as auto repair garages, service stations, auto wrecker services of similar uses which store vehicles only on a temporary basis and not for salvage purposes. All outdoor storage areas of such uses shall be totally, visually screened on all sides by a sight-obscuring fence at least six (6) feet in height. Slatting or a covering for chain link fences may be used subject to approval of slat or cover material by the Inspection Department. All front yard areas used for vehicle or parts storage must be set back at least twenty-five (25) feet from any public right-of-way.
[Ordinance No. 9936 - 8/17/93]
[Ordinance No. 10146 - 12/24/94]
- (9) Base Flood: The flood having a one (1) percent chance of being equaled or exceeded in any given year commonly referred to as the "100-Year Flood". (See also "High Water Stage" and "Area of Special Flood Hazard".)
[Ordinance No. 7712 - 8/12/80]
- (10) Basement: A story partly underground and having at least one-half (½) of its height above grade. A basement shall be counted as a story if the vertical distance from the grade to the ceiling is over five (5) feet or if used for business purposes or for dwelling purposes by other than a janitor or his family.
- (11) Bed and Breakfast: Any house or other structure used, advertised or held out to the public to be a place where living or sleeping accommodations are supplied for pay to transients and shall contain no more than nine (9) bedrooms for that purpose. Meals, usually breakfast, may be provided for the tenant.
[Ordinance No. 9422 - 7/24/90]
- (12) Boarding House: Any house, or other structure, used, advertised or held out to the public to be a place where sleeping accommodations are supplied for pay to tenants and shall contain no more than nine (9) bedrooms for that purpose. Meals may or may not be provided to the tenant.
[Ordinance No. 9422 - 7/24/90]
- (13) Buffer: Reserved area to be maintained as open space except for required screening material. No building or structure shall be placed in the designated buffer area. The buffer

(ARTICLE II, Definitions, continued...)

area is not to be used for parking, access, or any other purpose related to the use of the property.

[Ordinance No. 9344 - 3/20/90]

- (14) Building: Any structure used or built for the shelter or enclosure of persons, animals, or chattels.
- (15) Building, Height of: The vertical distance between the level and the highest point of the roof surface of a flat roof, the deck line of a mansard roof and to a point two thirds (2/3's) the height of a gable, hip or gambrel roof: If the building is set back from the street line, the height may be measured from the average elevation of the finished grade at the front of the building, provided that the distance from the street line to the front of the building is not less than the height of such finished grade above the established curb level.
- (16) Clinic: Medical services for outpatients only.
- (17) Curb Level: The main level of the established curb in front of the building. Where no such curb has been established, the City Engineer shall establish such curb level.
- (18) Day Care Home: A home operated by any person who receives therein for pay not more than seven (7) children under 17 years of age, who are not related to such person and whose parents or guardians are not residents of the same home for less than 24 hours supervision and care, without transfer of custody. Also, a home operated by any person who receives therein for pay not more than seven (7) aged persons, who are not related to such person, for less than 24 hours supervision and care.
[Ordinance No. 8694 - 9/2/86]
- (19) Day Care Center: A place, except schools graded one (1) through twelve (12) and kindergartens operated by any governmental unit or under the supervision of any religious organization, operated by a person, society, agency, corporation, or institution, or any group wherein are received for pay eight (8) or more children under 17 years of age for group care, without transfer of custody for less than 24 hours per day. The term "day care center" shall include, but not be limited to, child development centers, nursery schools, day nurseries, play schools, and kindergartens, as well as agencies providing before and after school regardless of name, purpose, or auspices. Also, a place operated by a person, society, agency, corporation, or institution, or any group where are received for pay eight (8) or more aged persons for group care for less than 24 hours per day. This definition

(ARTICLE II, Definitions, continued...)

is not applicable to any such use operated by any governmental unit.

[Ordinance No. 8694 - 9/2/86]

- (20) Development: Any man-made change to improved or unimproved real estate, including, but not limited to, building on other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
- (21) Dwelling Unit: Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, cooking, sleeping, and eating.
- (22) Dwelling: Any building or structure or part thereof used and occupied for human habitation or intended to be so used, including any outhouses or appurtenances belonging thereto or usually enjoyed therewith.
- (23) Dwelling, Single-Family: A building occupied or intended to be occupied as an abode of one family.
- (24) Dwelling, Single-Family Zero Lot-Line: A building occupied or intended to be occupied as an abode of one family which is set on one side and/or rear property lines.
[Ordinance No. 7678 - 6/17/80]
- (25) Dwelling, Two-Family (Duplex): A detached building designed for or occupied exclusively by two families, independently of each other.
- (26) Dwelling, Multiple: A building or portion thereof used or designed as a residence for three or more families living independently of each other.
- (27) Existing Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before September 3, 1980, (the effective date of the flood plain management regulations adopted by the City of Chattanooga).
[Ordinance 9741 - 6/23/92]
- (28) Expansion to an Existing Manufactured Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes

(ARTICLE II, Definitions, continued...)

are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

[Ordinance 9741 - 6/23/92]

- (29) Family: A group of one or two persons or parents with their direct descendants and adopted and foster children, together with not more than three persons not so related, living together in a room or rooms comprising a single housekeeping unit. Every additional group of five or less persons living in such housekeeping unit shall be considered a separate family.

[Ordinance No. 9661 - 1/21/92]

- (30) Filling Station: See "Service Station".

- (31) Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) the overflow of inland waters;
- (b) the unusual and rapid accumulation or runoff of surface waters from any source.

- (32) Flood Hazard Boundary Map (FHBM): An official map of a community on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

- (33) Flood Hazard Zone: The Flood Hazard Zone includes all areas covered by the Floodway Zone plus all areas of special flood hazard as set forth and identified as such by the Federal Emergency Management Agency in its most recent Floodway Maps and Flood Insurance Rate Maps (FIRM) for the community and all property which is considered to be below the elevation of the "High Water Stage" for the Tennessee River and its tributaries. Changes and additions to the Flood Hazard Zone by Tennessee Valley Authority study are hereby adopted and add to or change the Flood Hazard Zone.

[Ordinance No. 9244 - 9/19/89]

[Ordinance No. 9492 - 11/20/90]

- (34) Flood Insurance Rate Map (FIRM): An official map of a community, on which the Federal Emergency Management Agency had delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

[Ordinance 9741 - 6/23/92]

- (35) Flood Insurance Study: The official report provided by the Federal Emergency Management Agency. The report contains flood

(ARTICLE II, Definitions, continued...)

profiles, as well as the flood Boundary Floodway Map and the water surface elevation of the base flood.

[Ordinance 9741 - 6/23/92]

- (36) Flood proofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

[Ordinance No. 7712 - 8/12/80]

- (37) Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation at the High Water State or the Base Flood. The Floodway Zone of Ninemile Branch, Black Creek, Ryall Springs Branch, Mackey Branch and Friar Branch is identified by the Federal Emergency Management Agency and shown on its Flood Boundary and Floodway Maps dated September 6, 1989. The Floodway Zone for other streams is identified by lines and the notation 'F/W' on the official Zoning Maps. Changes and additions to the Floodway Zone by Tennessee Valley Authority study are hereby adopted and add to or change the Floodway Zone.

[Ordinance No. 7712 - 8/12/80]

[Ordinance No. 8889 - 12/22/87]

[Ordinance No. 9244 - 9/19/89]

- (38) Frontage: The width of the property measured along the dedicated street right-of-way except that lot frontage on cul-de-sac turn-arounds or short radius curves may be less than the lot frontage required by this Zoning Ordinance, provided that the lot has the required minimum lot frontage at (1) the rear of the required front yard, or (2) the building setback line as shown on the plat, or (3) in the case of a flag lot, the narrowest part not in that part that extends to the street.

The minimum lot frontage on the dedicated street right-of-way for a residential flag lot shall not be less than twenty-five (25) feet {except in cases where an existing structure(s) and its required side yard could not be accommodated, then the width shall not be less than fifteen (15) feet} capable of being for ingress and egress.

[Ordinance No. 10325 - 11/14/95]

[Ordinance No. 10460 - 8/20/96]

- (39) Functional Classification of Streets and Roads: The following shall be the criteria whereby streets and roads are classified:

- (1) **Principal Arterials**: Significant intra-area travel; such as between central business districts and outlying

(ARTICLE II, Definitions, continued...)

residential areas, between major inner city communities, or between major suburban centers should be served by this system. Principal arterials are not restricted to controlled access routes. For principal arterials, the concept of service to abutting land should be subordinate to the provision of travel service to major traffic movements.

- (2) **Minor Arterials:** Should interconnect with and augment the urban principal arterial system and provide service to trips of moderate length at a somewhat lower level of travel mobility than principal arterials. These facilities place more emphasis on land access than the higher system. Minor arterials, ideally, do not penetrate identifiable neighborhoods.
- (3) **Collector Streets:** Provides both land access and traffic circulation within residential neighborhoods as well as commercial/industrial areas. It differs from the arterial system in that facilities on the collector system may penetrate through the area to the ultimate destination. In the central business district (CBD), and in other areas of like development and traffic density, the collector system may include the street grid which forms a logical entity for traffic circulation.
- (4) **Local Streets:** Compromises all facilities not on one of the higher systems. It serves primarily to provide direct access to abutting land and access to the higher order systems. It offers the lowest level of mobility and through traffic movement usually is deliberately discouraged.

[Ordinance No. 10086 - 8/16/94]
- (40) Garage, Private: A building or space used as an accessory to or a part of a main building permitted in any residential zone and providing for the storage of motor vehicles and in which no business, occupation or service for profit is in any way conducted.
- (41) Garage, Public: Any building or premises, except those described as a private or storage garage, used for the storage or care of motor vehicles, or where any such vehicles are equipped for operation, repair or kept for remuneration, hire or sale.
- (42) Garage, Storage: Any building or premises, other than a private or public garage, used exclusively for the parking or storage of motor vehicles.

(ARTICLE II, Definitions, continued...)

- (43) Guest House (Tourist Home): Any dwelling in which rooms are rented for guests and for lodging of transients and travelers for compensation.
- (44) Habitable Floor: Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a Habitable Floor. (This definition shall replace the definition of Lowest Habitable Floor.)
[Ordinance No. 7712 - 8/12/80]
- (45) High Water Stage: The High Water Stage for the Tennessee River (Nickajack Lake) and its tributaries shall be that elevation determined by the Federal Emergency Management Agency as the 100 year flood elevation as shown on the flood profiles in its Flood Insurance Study for the City of Chattanooga, Tennessee, dated September 6, 1989, and any other applicable profiles as completed by the Tennessee Valley Authority.
[Ordinance No. 9244 - 9/19/89]
- (46) Historic Structure: Any structure that is:
- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register:
 - (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district:
 - (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or:
 - (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - By an approved state program as determined by the Secretary of the Interior, or
 - Directly by the Secretary of Interior in states without approved programs.

(ARTICLE II, Definitions, continued...)

[Ordinance 9741 - 6/23/92]

(47) Home Occupation: An occupation in a dwelling unit, provided that:

- (a) No person other than members of the family residing on the premises shall be engaged in such occupation;
- (b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
- (c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation;
- (d) There shall be no sales of products or commodities on the premises;
- (e) Any home occupation that generates vehicular traffic to the premises as determined by the City Traffic Engineer shall be permitted only by special permit from the Board of Zoning Appeals in accordance with provisions of Article VIII, Section 107(20) of this Ordinance.
[Ordinance No. 10204 - 4/18/95]
- (f) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, nor shall any equipment or process be used which creates visual or audible interference in any radio or television receiver off the premises, or cause fluctuations in the line voltage off the premises. In the case of a duplex, or apartment building, no use shall be permitted which affects another unit in the same building in the above mentioned ways.
[Ordinance No. 7639 - 3/18/80]
- (g) R-3 and R-4 are the only residential zones in which a sign may be located; said sign shall consist of one name plate, non-illuminated, attached to the building entrance and not more than one (1) square foot in area. No sign or advertisement of any type shall be permitted in the R-1, R-2, R-3MD, RT-1, RZ-1, or R-5 residential zones which indicate the presence of a business on the premises. Signs prohibited in these zones include, but are not limited to

(ARTICLE II, Definitions, continued...)

the following: mailbox signs or nameplates, window signs, signs attached to door facing or other parts of a house or structure, portable signs not affixed to home or structure, awning signs, banners, balloon signs.

[Ordinance No. 9077 - 11/22/88]

- (47.01) Hospital: Any institution, place, building or agency where care, accommodations, facilities and equipment are furnished, for one (1) or more non-related persons who need the care of nursing, medical or surgical services.

[Ordinance No. 10447 - 7/16/96]

- (48) Hospital, Small Animal: A facility for the boarding, care and treatment of animals commonly considered small at maturity and including domestic dogs and cats and other ordinary household pets; but specifically excluding goats, swine, cattle, and horses.

- (49) Hotel: A building or other structure, kept, used, maintained, advertised as or held out to the public to be a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants, in which ten (10) or more rooms are furnished for the accommodations of such guests, and having or not having one (1) or more dining rooms, restaurants or cafes where meals or lunches are served to transient or permanent guests, such sleep accommodations and dining rooms, restaurants or cafes, if existing, being conducted in the same building or buildings in connection therewith.

- (49.01) Houseparent or Guardian: Persons who provide care for the residents of Residential Homes for the Handicapped and/or Aged Persons, Assisted Living Facilities, and Medically Assisted Living Facilities.

[Ordinance No. 10447 - 7/16/96]

- (50) Junkyard: A junkyard is an open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and metals, paper, rags, rubber tires and bottles. A junkyard includes an auto wrecking yard but does not include uses established entirely within enclosed buildings.

- (51) Liquor: Beverages exceeding 5% alcohol.

- (52) Liquor Store: Retail store selling package liquor.

- (53) Loading Space: A space within the main building or on the same lot providing for the standing, loading or unloading of trucks,

(ARTICLE II, Definitions, continued...)

having a minimum dimension of twelve feet (12') by thirty-five feet (35') and a minimum vertical clearance of fourteen feet (14').

(54) Lodger: An occupant of a lodging or rooming house other than the owner or caretaker or his immediate family.

(55) Lodging House: Any house or other structure used, advertised or held out to the public to be a place where sleeping accommodations are supplied for pay and shall contain no more than nine (9) bedrooms for that purpose. Meals may not be provided.

[Ordinance No. 9422 - 7/24/90]

(56) Lot: A piece of land occupied or intended for occupancy by a building(s) or structure(s), together with any accessory building(s) or structure(s); including the open space and yards required by this Ordinance.

[Ordinance No. 10393 - 3/19/96]

(57) Lot, Flag: An interior lot located to the rear of another lot, but with a narrow portion of the lot extending to the street. The narrow portion of the lot that extends to the street shall be suitable for ingress and egress, and shall not be included in the calculation of the minimum lot area. No part of the narrow portion of the lot shall be less than twenty-five (25) feet in width, except in cases where an existing structure(s) and its required side yard cannot be accommodated, then the width shall not be less than fifteen (15) feet in width. The narrow (flag pole) portion of the lot shall not be considered in determining required yard setbacks. The front yard requirements (setbacks) shall apply to all yards of a flag lot.

[Ordinance No. 9344 - 3/20/90]

[Ordinance No. 9737 - 6/23/92]

[Ordinance No. 9740 - 6/23/92]

[Ordinance No. 9777 - 8/14/92]

[Ordinance No. 10327 - 11/14/95]

(58) Lot, Corner: A lot abutting upon two (2) or more streets at their intersection.

(59) Lot, Depth: The depth of a lot for the purpose of this Ordinance, is the distance measured in the mean direction of the side lines of the lot from the midpoint of the front line to the midpoint of the opposite main rear line of the lot.

(60) Lot, Interior: A lot other than a corner lot.

(ARTICLE II, Definitions, continued...)

- (61) Lot, Through: An interior lot having frontage on two streets, other than a corner lot.
- (62) Lot, Width: The length of the line marking the rear of the required front yard, or the front of the building measured parallel to the street, and extending to the side lot lines. In zones where no front yard is required, the lot width shall be the same as the street frontage.
- (63) Lot Lines: The lines bounding the lot.
- (a) Lot Line, Front: The front lot line of an interior lot is the line separating the lot from the street or easement of principal access. The front lot line of a corner lot shall be the lot line of least length abutting the street or streets, except that any street lot line may be elected to be the front lot line (front yard) for the purposes of this Ordinance, provided it is so designated on the application for a building permit.
- (b) Lot Line, Rear: The rear lot line is the boundary line or lines opposite, most distant, and more or less parallel to the front lot line. The rear lot line or lines of an irregular lot shall be determined by the Chief Building Official or assignee thereof. For purposes of setback, measurements from the established rear lot line shall be to the closest point of the building.
- (c) Lot Line, Side: A side lot line is any boundary line not a front lot line, or a rear lot line. A side lot line separating a lot from a street line is an exterior side lot line. Any other side lot line is an interior side lot line.
[Ordinance No. 9737 - 6/23/92]
- (64) Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent foundation when connected to required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For building permit purposes there shall be affixed to a factory manufactured home the appropriate State Of Tennessee certification label before same shall be considered to meet standards required for issuance of a building permit.
[Ordinance No. 9661 - 1/21/92]

(ARTICLE II, Definitions, continued...)

- (65) Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
 [Ordinance No. 8760 - 3/3/87]
- (66) Mean Sea Level: The average height of the sea for all stages of the tide.
 [Ordinance No. 7712 - 8/12/80]
- (66.01) Medically Assisted Living Facility: A group home facility, not otherwise regulated or defined by this Ordinance or otherwise exempt from local regulations, where living assistance (including prescribed medical treatment) is given to the residents.
 [Ordinance No. 10447 - 7/16/96]
- (67) Modular Unit: (Sectional or relocatable home): A factory fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into a single structure without carriage or hitch. The term is intended to apply to major assemblies and may not include prefabricated sub-elements which are to be incorporated into a structure at the site. Such units are designed as stationary construction for placement upon permanent foundation, to be connected to utilities and may consist of one or more components.
- (68) Motel: A building or group of buildings used or intended to be used for overnight occupancy by transient motorists. The primary distinction between a motel and a hotel is that the motel has parking space adjacent or reasonably close to each sleeping unit.
- (69) Motor Camp: See Trailer Camp.
- (70) New Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after September 3, 1980, (the effective date of flood plain management regulations adopted by the City of Chattanooga).
 [Ordinance No. 9741 - 6/23/92]
- (71) Non-Conforming Use: A use that does not conform with the regulations of the use zone in which it is situated.
- (71.01) Nursing Home: Any institution, place, building or agency where care is provided for one (1) or more nonrelated persons who are not acutely ill, but who do require skilled nursing care and

(ARTICLE II, Definitions, continued...)

related medical services beyond the basic provisions of food, shelter and laundry.

[Ordinance No. 10447 - 7/16/96]

- (72) Open Air Market: A retail market or sale operated outdoors or beneath unenclosed shelters and doing business on a continuing basis, or for as many as six (6) days during a sixty (60) day period, where inexpensive and/or secondhand items and/or food-stuffs are offered for sale by more than a single vendor, and including all fruit or vegetable markets, flea markets, rummage sales, garage or attic sales and similar undertakings when operated in such a manner as to fall within the limits of this definition.
- (73) Park, Ornamental: All municipal, state, federal, and private parks designed for passive recreational uses, including, for example, but not limited to Fountain Square, Memorial Place, the Downtown Park, and the Patten Parkway Park.
- (74) Park, Recreational: All municipal, state, federal, and private parks which are primarily designed for active recreational uses.
- (75) Parking Lot: An area or plot of land used for the storage or parking of vehicles, including all necessary additional space needed for vehicular access or maneuvering thereto or therefrom.
- (76) Parking Space: Dimensions for parking spaces shall be determined by the City Traffic Engineer. Handicapped Parking as required by T.C.A. and the Chattanooga Building Code shall meet the current ADA standards. A copy of the ADA standards is available in the office of the Clerk of the City Council. All signs and pavement markings for handicapped parking shall conform to City Traffic Engineering Drawing No. A5-H7. The enforcement of the parking requirements shall be the duty of the City Traffic Engineer.
[Ordinance No. 8113 - 2/23/83]
[Ordinance No. 10060 - 6/21/94]
[Ordinance No. 10109 - 9/20/94]
[Ordinance No. 10162 - 1/17/95]
- (77) Planned Unit Development: Institutional: An Institutional Planned Unit Development is a completely planned institutional zone, professionally designed as a unit, and approved by the Chattanooga City Council, on a site of not less than five (5) acres, in an R-4 Zone.
- (78) Planned Unit Development: Residential: A Planned Unit Development is a completely planned residential development, professionally designed as a unit, and approved by the

(ARTICLE II, Definitions, continued...)

Chattanooga City Council on a site of not less than five (5) acres, in areas zoned R-1, R-2, and R-3.

[Ordinance No. 7626 - 2/19/80]

- (79) Professional Office: Professional offices shall include the following uses: medical and dental offices, attorney offices, engineering, architectural and planning offices, accountant offices, and any office use which in the judgment of the Board of Appeals is similar in character, type and effect to the above uses.

[Ordinance No. 9077 - 11/22/88]

- (80) Recreational Vehicle: A vehicle which is:

- (a) built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) designed to be self-propelled or permanently towable by a light duty truck; and
- (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping travel, or seasonal use.

[Ordinance No. 9741 - 6/23/92]

- (81) Residential Home for Handicapped and/or Aged Persons: A home represented and held out to the general public as a home which accepts handicapped and/or aged persons for permanent, domiciliary care, and which provides room, board, and personal services (excluding nursing services). This facility may include up to two (2) additional persons (plus their dependents) acting as house parents or guardians, who need not be related to each other or to any of the handicapped or aged persons residing in the facility. The term "handicapped" includes "physically handicapped" persons and "mentally handicapped" and "mentally retarded" persons who have been formally diagnosed by a licensed psychologist with competency in clinical psychology as suffering from psychiatric illness, and is receiving treatment or care for mental illness; but the term "handicapped" does not include persons who are mentally ill, and who, because of such mental illness pose a likelihood of serious harm (as defined in T.C.A. 33-604) or who have been convicted of serious criminal conduct related to such mental illness. The term "aged" usually means those persons who are sixty (60) years or older.

[Ordinance No. 9373 - 5/15/90]

(ARTICLE II, Definitions, continued...)

- (82) Service Station: A building or lot where gasoline, oil and grease are supplied and dispensed to the motor vehicle trade, or where battery, tires, and other similar services are rendered.
- (83) Sign: Any structure, part thereof, or device attached thereto or painted or represented thereon, used as, or in the nature of, any place, product or service, which is located upon any land, or any buildings, or otherwise displayed; provided, however, the following shall not be included within the meaning of this definition:
- (a) The flat emblem, or other insignia of a nation, government unit; educational, charitable or religious group which designated only the use of occupancy of a building and is wholly attached to said building.
 - (b) Directional or other official signs or notices that are required or authorized by law.
 - (c) Temporary signs identifying construction or paving sites, which are removed from the property as soon as the activity is completed.
- [Ordinance No. 10338 - 11/21/95]
- (84) Sign, Information:
- (a) A non-illuminated professional or announcement sign, not exceeding one (1) square foot in area and attached wholly to building, or
 - (b) A single sign pertaining only to the rent, lease or sale of property upon which displayed, or
 - (c) A church bulletin board, or
 - (d) A sign for customer convenience such as "park here", "enter", "delivery in rear", not exceeding two (2) square feet in area.
- (85) Sign, Off-Premise: A sign which directs attention to a person, place, product or service elsewhere than on the premises upon which said sign is located.
- (86) Sign, On-Premise: A sign which directs attention to a person, place, product or service on the premises upon which said sign is located.

(ARTICLE II, Definitions, continued...)

- (87) Stable, Private: A stable with capacity of not more than one (1) horse for each thirty-five hundred (3500) square feet of lot area where such stable is located and where such horses are owned by the owners or occupants of the premises and are not kept for remuneration, hire, or sale.
- (88) Start of Construction: Either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.
[Ordinance No. 8760 - 3/3/87]
- (89) Story: That portion of a building included between the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling next above it.
In computing the height of building, the height of basement shall not be included if below grade.
- (90) Structure, Temporary: A structure erected for special events or activities and used for a maximum of 30 days or less upon approval by the Chief Building Official, to include tents or other code complying prefabricated structures.
[Ordinance No. 8527 - 9/10/85]
- (91) Structural Alterations: Any change, except for repair or replacement, in the supporting members of a building, such as bearing walls, columns, beams or girders.
- (92) Story, Half: A story under a gabled, hipped or gambrel roof the wall plates of which, on at least two (2) opposite exterior walls, are not more than three (3) feet above the finished floor of such story.
- (93) Streets: Those rights-of-way dedicated to the public and accepted by the public authorities, and includes highways and roads, and provides primary access to the abutting properties.
- (94) Street Line: The line between the street and abutting property.

(ARTICLE II, Definitions, continued...)

- (95) Structure: Anything constructed or erected, the use of which requires permanent location on the land, or attached to something having a permanent location on the land.
- (96) Studio: A studio includes, in addition to other usual meanings, the processing, finishing, framing, and incidental handling of portrait, photographic and other artistic work generated by or from the premises or by persons employed in or reporting to the premises.
- (97) Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.
 [Ordinance No. 9741 - 6/23/92]
- (98) Substantial Improvement: For a building built prior to the enactment of these regulations, any repair, reconstruction, or improvement of a building, the cost of which equals or exceeds fifty percent of the market value of the building either:
- (a) Before the improvement or repair is started, or
- (b) If the building has been damaged and is being restored, before the damage occurred.
- For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the buildings. The term does not, however, include either:
- (a) Any project for improvement of a building to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
- (b) Any alteration of a building listed on the National Register of Historical Places or a State Inventory of Historic Places.
- (99) Substantially Improved Existing Manufactured Home Parks or Subdivisions: Is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement began.
 [Ordinance No. 9741 - 6/23/92]

(ARTICLE II, Definitions, continued...)

- (100) Tourist Home: See Guest House.
- (101) Townhouse: A townhouse is a single-family dwelling attached by fireproof common walls to other similar type units; each unit having an open space for light, air, and access in the front and rear. There shall be not less than two (2) nor more than ten (10) such units connected together.
 [Ordinance 8147 - 6/14/83]
- (102) Travel Trailer: Any vehicle used, or so constructed as to permit its being used as conveyance upon the public streets or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one (1) or more persons, and designed for short-term occupancy, for frequent and/or extensive travel, and for recreational and vacation use, including camper trucks and self-propelled campers, etc.
- (103) Travel Trailer Camp: Any plot of land upon which two (2) or more travel trailers are located and used as temporary living or sleeping quarters. The occupants of such camps may not remain in the same trailer camp more than ninety (90) days.
- (104) Used Car Lot: Any parcel of land used for the storage, display, and sale of new and used automobiles and where no repair work is done except the necessary reconditioning of the cars to be displayed and sold on the premises.
- (105) Variance: A grant of relief to a person from the requirements of this Ordinance which permits construction in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.
- (106) Yard: An open space on the same lot with a building unoccupied and unobstructed from the ground upward, except by trees, plants, shrubberies, walls, fences, ornaments, utility poles and wires, dog houses, outdoor furniture, swimming pool, accessory buildings, gas pumps, pump islands, signs (where permitted), tanks and similar things merely necessary to the main building or the permitted use thereof.
- (107) Yard, Front: An open space across the full width of the lot, extending from the closest point of the building, (including porches, porticos, entry landings and similar structures greater than five (5) feet in width), to the front line of the lot. [See (62)(a) Lot Line, Front].
 [Ordinance No. 9737 - 6/23/92]

(ARTICLE II, Definitions, continued...)

- (108) Yard, Side: An open unoccupied space on the same lot with a building between the building and the side line of the lot extending through from the front building line to the rear yard or to the rear line of the lot where no rear yard is required.
- (109) Yard, Rear: A yard extending across the full width of the lot and measured between the rear line of the lot and the rear line of the main building.

ARTICLE III. ZONES AND BOUNDARIES

100. In order to regulate and limit the height and size of buildings; to regulate and limit intensity of the use of lot areas; to regulate and determine the areas of open space within the surrounding buildings; to classify, regulate, and restrict the location of trades and industries; and the location of buildings, designed for specified industrial, business, residential, and other uses, the City of Chattanooga, Tennessee, is hereby divided into zones known as:

| | | <u>Ord. No.</u> | <u>Date</u> |
|---------|---------------------------------|-----------------|-------------|
| R - 1 | Residential Zone | 7677 | 6-17-80 |
| RT - 1 | Residential Townhouse Zone | 7677 | 6-17-80 |
| RZ - 1 | Zero Lot Line Residential Zone | 7678 | 6-17-80 |
| R - 2 | Residential Zone | 7678 | 6-17-80 |
| R - 3 | Residential Zone | 7678 | 6-17-80 |
| R - 3MD | Moderate Density Zone | 7727 | 9-16-80 |
| R - 4 | Special Zone | 6837 | 1-7-75 |
| R - 5 | Residential Zone | 6837 | 1-7-75 |
| O - 1 | Office Zone | 7593 | 12-18-79 |
| C - 1 | Highway Commercial Zone | 7593 | 12-18-79 |
| C - 2 | Convenience Commercial Zone | 7593 | 12-18-79 |
| C - 3 | Central Business Zone | 7462 | 1-9-79 |
| C - 4 | Planned Commercial Central Zone | 7462 | 1-9-79 |
| C - 5 | Neighborhood Commercial Zone | 7462 | 1-9-79 |
| C - 6 | Commercial Zone | 8098 | 1-25-80 |
| M - 1 | Manufacturing Zone | 6717 | 1-29-74 |
| M - 2 | Light Industrial Zone | 6717 | 1-29-74 |
| M - 3 | Warehouse and Wholesale Zone | 6717 | 1-29-74 |
| F/W | Floodway Zone | 7712 | 8-12-80 |
| F/H | Flood Hazard Zone | 7712 | 8-12-80 |

101. The boundaries of the zones are shown upon the map accompanying this Ordinance and made a part thereof, and entitled "Zoning Map of Chattanooga, Tennessee". The Zoning Map and all notations, references, and other information shown thereon are a part of this Ordinance, and as much a part as if such information set forth on the map were all fully described and set out herein. This Zoning Map properly attested is on file in the office of the City Building Inspector.
102. In the creation by the Ordinance of the respective Zones, the City Council has given due and careful consideration to the peculiar suitability of each and every such zone for the particular regulations applied thereto, and the necessary, proper and comprehensive grouping and arrangements of the various uses and densities of population in accordance with a well considered plan for the development of the City.
103. The boundaries of such zones are shown upon the map adopted by this Ordinance or amendment thereto, are hereby adopted and approved and the

regulations of this Ordinance governing the uses of land and buildings, the height of buildings, building site areas, and the size of yards about buildings and other matters as hereinafter set forth, are hereby established and declared to be in effect upon all land included within the boundaries of each and every zone shown on said map.

104. Where uncertainty exists as to boundaries of any zone shown on said map, the following rules shall apply:

- (1) Where such zone boundaries are indicated as approximately following street lines, alley lines or lot lines, such lines shall be such boundaries;
- (2) In unsubdivided property where a zone boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by use of the scale appearing on the map.
- (3) Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.

ARTICLE IV. GENERAL REGULATIONS

100. Except as hereinafter provided.
101. No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all the regulations herein specified for the zone in which it is located. See also Article VII.
102. No building or other structure shall hereafter be erected or altered:
- (1) To have greater height;
 - (2) To accommodate or house a greater number of families or lodgers;
 - (3) To have narrower or smaller rear yards, front yards, side yards or other open spaces;
 - (4) To provide less off-street parking and loading space than herein required or permitted, or in any manner contrary to the provisions of this Ordinance.
103. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
104. No yard or lot existing at the time of passage of this Ordinance shall be reduced in size or area below the minimum requirements set forth herein. Yard or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance, except that lot(s) may be created that do not meet the minimum requirements established by this Ordinance when they are the result of the resubdivision of lot(s) of record and the newly created lot(s) are as large or larger than the previous lot(s).
[Ordinance No. 6938 - 9/2/75]
105. Within each zone, the regulations set by this Ordinance shall be the minimum regulations and shall apply uniformly to each class or kind of structure or land.
106. Every building hereafter erected, reconstructed or structurally altered shall be located on a lot fronting on a street.
107. There shall be no more than one (1) principal building per lot used for residential purposes in the R-1, R-2, and R-5 zones.

[Ordinance No. 8311 - 5/22/84]

108. Any required screening must be in place prior to any building construction.

[Ordinance No. 9344 - 3/20/90]

109. For purposes of enforcement the building official has the discretion to interpret the intent of any zoning condition imposed by the governing body of the City.

[Ordinance No. 9344 - 3/20/90]

110. Setbacks from alleys, for buildings, or structures, shall be the same as the zone side and rear yard requirements.

[Ordinance No. 9815 - 12/15/92]

ARTICLE V. ZONE REGULATIONS

100. R-1 Residential Zone

101. Permitted Uses:

- (1) Single-family dwellings, excluding factory manufactured homes constructed as a single self-contained unit and mounted on a single chassis.
[Ordinance No. 9661 - 01/21/92]
- (2) Schools.
[Ordinance No. 6837 - 1/7/75]
- (3) Parks, play grounds and community buildings.
- (4) Golf courses, except driving ranges, miniature courses and other similar commercial operations.
- (5) Fire halls and other public buildings.
- (6) Churches.
- (7) Home occupations.
- (8) Kindergartens operated by governmental units or religious organizations.
- (9) Day care homes.
- (10) Day care centers, except that such uses shall require a special permit under the terms of Article VIII of this Ordinance.
- (11) Kindergartens, except those operated by governmental units or by religious organizations; except that such uses shall require a special permit under the terms of Article VIII of this Ordinance.
[Ordinance No. 6098 - 10/14/69]
[Ordinance No. 7639 - 3/18/80]
- (12) Accessory uses and buildings customarily incidental and subordinate to the above.

102. Height and Area Regulations:

- (1) No building shall exceed two and one-half stories or 35 feet in height except that a building may exceed these height regulations provided that for every one (1) foot of additional

height over 35 feet the building shall be set back one (1) additional foot from all property lines.

- (2) The minimum building site area shall be 7,500 square feet and the minimum frontage 60 feet.

[Ordinance No. 8527 - 9/10/85]

- (3) There shall be a front yard of not less than 25 feet.

- (4) There shall be a side yard on each side of the building of not less than 10 feet. For corner lot side yard requirements, see Article VI, Section 108.

[Ordinance No. 9739 - 6/23/92]

- (5) There shall be a rear yard of not less than 25 feet.

- (6) The Health Department may require larger lots when septic tanks are used due to soil conditions, topography, drainage, presence of swimming pools, etc.

[Ordinance No. 8527 - 9/10/85]

- 103. Off-Street Parking Regulations: Off-Street parking shall be provided on the same lot as or a lot adjacent to the building in accordance with the following requirements:

- (1) There shall be two (2) spaces for every dwelling unit. Units with four (4) bedrooms or more shall be required to have three (3) parking spaces.

[Ordinance No. 8527 - 9/10/85]

- (2) There shall be one (1) space for every three (3) seats in the main auditorium of churches and other public buildings.

- (3) Parking space for golf courses shall be in an amount satisfactory to the City and approved by the Traffic Engineer.

- 104. Special Exceptions for Planned Unit Development: Flexibility in the arrangement of residential uses may be permitted by the City Council as special exceptions in any R-1 Residential Zone, provided that the minimum size of any tract of land sought to be used for the planned unit shall be five (5) acres and that a desirable environment through the use of good design procedures is assured, allowing flexibility in individual yard requirements to provide for multiple dwelling units, townhouses, and two-family units, except that such use or uses shall require a special permit under the terms of Article V of this Ordinance.

[Ordinance No. 6075 - 7/15/69]

~~Amended~~

105. Special Exceptions for Cemeteries: The City Council may permit the development of cemeteries (excluding crematoriums, embalming facilities or other such preparatory functions) within any R-1 Residential Zone, as a special exception under terms specified in Article VI, of the Ordinance.

[Ordinance No. 6994 - 12/16/75]

106. Special Exceptions for Residential Homes for Handicapped and/or Aged Persons Operated on a Commercial Basis: The City Council may issue a Special Exceptions Permit for a Residential Home for Handicapped and/or Aged Persons under the terms specified in Article VI, of this Ordinance, provided that the Home shall not contain more than (8) handicapped and/or aged persons.

[Ordinance No. 9077 - 11/22/88]

107. Special Exceptions Permits Issued by the Board of Appeals for:

- (1) Assisted Living Facilities: The Board of Appeals may issue a Special Exceptions Permit for an Assisted Living Facility under the terms specified in Article VIII of this Ordinance, provided that the facility shall contain no more than eight (8) residents. This facility may include two (2) additional persons (plus their dependents) acting as houseparents or guardians, who need not be related to the persons residing in the home.

[Ordinance No. 10447 - 7/16/96]

~~Amended~~

(ARTICLE V, Zone Regulations, continued...)

120. RT-1 Residential Townhouse Zone

121. Statement of Intent: It is the intent of this section to provide regulations for the development of townhouses (also called rowhouses and "attached" homes) in a manner which is attractive, efficient, and compatible with surrounding development. It is also the intent of these regulations that the underlying real estate may be divided into small lots so that each unit can, along with the underlying property, be individually sold and owned on a "fee simple" basis, although said units may also be sold as condominiums. It is further intended as a policy that any townhouse development of more than 8 units should be located within 500' of a major arterial or collector as shown on the General Plan most recently adopted by the Planning Commission.

[Ordinance No. 9538 - 4/16/91]

122. Permitted Uses:

- (1) Townhouse dwellings, excluding factory manufactured homes constructed as single self-contained unit and mounted on a single chassis, provided that such townhouse dwellings shall meet all structural standards set forth in the Standard Building Code adopted by the City of Chattanooga for townhouse construction.

[Ordinance No. 9538 - 4/16/91]

[Ordinance No. 9661 - 1/21/92]

- (2) Parks, playgrounds, schools, churches, and community buildings which are complimentary to the immediate neighborhood.

- (3) Golf courses except driving ranges, miniature courses and other similar commercial operations.

- (4) Accessory uses and buildings.

- (5) Home occupations.

[Ordinance No. 8312 - 5/22/84]

- (6) Kindergartens, operated by governmental units or religious organizations.

- (7) Kindergartens, except those operated by governmental units or by religious organizations; except that such uses shall require a special permit under the terms of Article VIII of this Ordinance.

[Ordinance No. 8397 - 11/27/84]

~~Amended~~

- (8) Day care centers, except that such uses shall require a special permit from the Board of Appeals under the terms of Article VIII of this Ordinance.

[Ordinance No. 8397 - 11/27/84]

123. Height and Area Regulations:

- (1) No building shall exceed thirty-five (35) feet in height, except that a building may exceed those height regulations provided that for every one (1) foot of additional height over thirty five (35) feet, the building shall be set back one (1) additional foot from all non-zero lot line property lines.
- (2) A minimum building site area for each townhouse unit shall be one thousand three hundred fifty (1350) square feet.
- (3) The minimum building site width for each unit shall be eighteen (18) feet.
- (4) All buildings must be set back at least forty (40) feet from any exterior dedicated public street. The setback may be reduced to twenty-five (25) feet if landscaping is provided along the exterior street(s). Front setback from any interior street shall be twenty-five (25) feet, or ten (10) feet if rear parking and loading is provided.
- (5) Townhouse buildings (a continuous row of townhouse units) shall be separated by not less than forty (40) feet except fifteen (15) feet from end-to-end.
- (6) No building shall be located less than twenty-five (25) feet from any boundary of the RT-1 Residential Townhouse Zone, except on side yards where an RT-1 zone abuts the RZ-1, R-4, R-3 or any industrial and commercial zone, the minimum side yard requirement is fifteen (15) feet.
- (7) Except as provided above, there are no minimum front, side, or rear yard setback requirements.
- (8) Frontage on a dedicated public street of the individual units shall be required only when the underlying properties are individually sold as lots along with the units on a fee simple basis.

[Ordinance No. 9538 - 4/16/91]

[Ordinance No. 9721 - 5/19/92]

~~Amended~~

(ARTICLE V, Zone Regulations, continued...)

124. Off-Street Parking Regulations:

- (1) Off-street parking shall be provided on the same lot or on a lot adjacent to the structure it serves at a rate of two (2) spaces per dwelling unit. Units with four (4) bedrooms or more shall be required to have three (3) parking spaces.
- (2) There shall be one (1) space for every three (3) seats in the main auditorium of churches and other public buildings.

125. Provision for Special Access and Utility Easements: Due to the special nature of residential townhouses and other types of "attached" housing allowed by these regulations, the Planning Commission may insist on special access easements and other arrangements to provide for adequate servicing of the structures even though such easements and provisions might not normally be specified in the Chattanooga Subdivision Ordinance.

In addition, deed restrictions or other provisions may be required to assure that any remodeling or reconstruction of destroyed units will be accomplished in a fashion which will be compatible with the remaining units of the existing development, or for off-street parking of vehicles, and for any other reasonable design criteria deemed appropriate by the Planning Commission or the Chattanooga City Council.

~~Amended~~

150. RZ-1 Zero Lot Line Residential Zone

151. Statement of Intent: It is the intent of this section to provide regulations for the development of single-family zero lot-line dwellings (also called patio homes) in a manner which is attractive, efficient, and compatible with surrounding development. It is also the intent of these regulations that the underlying real estate may be divided into small lots so that each unit can be individually sold and owned on a fee simple basis.

152. Permitted Uses:

- (1) Single-family zero lot line dwellings, excluding manufactured mobile homes constructed as a single self-contained unit and mounted on a single chassis.
[Ordinance No. 9661 - 1/21/92]
- (2) Parks, playground, schools, churches and community buildings which are complimentary to the immediate neighborhood.
- (3) Golf courses, except driving ranges, miniature courses and other similar commercial operations.
- (4) Accessory uses and buildings.
- (5) Home occupations.
[Ordinance No. 8312 - 5/22/84]
- (6) Kindergartens, operated by governmental units or religious organizations.
- (7) Kindergartens, except those operated by governmental units or by religious organizations; except that such uses shall require a special permit under the terms of Article VIII of this Ordinance.
- (8) Day care centers, except that such uses shall require a special permit from the Board of Appeals under the terms of Article VIII of this Ordinance.
[Ordinance No. 8397 - 11/27/84]

153. Height, Area and Building Regulations:

- (1) No building shall exceed thirty-five (35) feet in height, except that a building may exceed those height regulations provided that for every one foot of additional height over thirty-five (35) feet, the building shall be set back one

~~Amended~~

(ARTICLE V, Zone Regulations, continued...)

additional foot from all exterior property lines of the RZ-1 Zone.

- (2) A minimum building site area for zero lot-line and patio homes shall be two-thousand-six-hundred and twenty-five (2,625) square feet.
- (3) The minimum lot width shall be thirty-five (35) feet.
- (4) All buildings must be set back at least twenty-five feet from any dedicated public streets.
- (5) Side yard setback for zero lot line units must be from zero (0) to one and one-half (1½) feet or a minimum of ten (10) feet from the adjacent property line if buildings are to be separated over a tenth of a foot. The eave overhang is the only permitted element of the building structure allowed in the one and one-half (1½) foot setback. The opposite side yard must be at least ten (10) feet and must be kept perpetually free of permanent obstructions (such as accessory buildings).
[Ordinance No. 10560 - 4/22/97]
- (6) The opposite side yard setback of not less than ten (10) feet must be kept perpetually free of permanent obstructions (such as an accessory building).
- (7) The wall on the zero-foot setback must be constructed of maintenance-free, solid, decorative masonry and no portion can project over any property line.
- (8) Similar zero-line exceptions can be made for the rear yard but not for both the side and rear yards of the same lot.
- (9) No building shall be located less than twenty-five (25) feet from any boundary of the RZ-1 Residential Zone, except on side yards where an RZ-1 Residential Zone abuts the RT-1, R-4, R-3 or any industrial or commercial zone, the minimum side yard requirement is fifteen (15) feet.
- (10) To assure privacy within a development, no windows, doors, or other openings are permitted on the zero lot-line side of the structure.

154. Off-Street Parking Regulations:

- (1) Off-street parking shall be provided on the same lot or on a lot adjacent to the structure it serves at a rate of two (2) spaces per dwelling unit. Units with four bedrooms or more shall be required to have three (3) parking spaces.

[RZ-1]

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- (2) There shall be one (1) space for every three (3) seats in the main auditorium of churches and other public buildings.

155. Provision for Special Access and Utility Easements: Due to the special nature of these housing types, the Planning Commission may insist on special access easements and other arrangements to provide for adequate servicing and maintenance of the structures even though such easements and provisions might not normally be specified in the Chattanooga Subdivision Ordinance. These easements and special covenants are to be shown on the subdivision plat at the time of its recording. In addition, deed restrictions or other provisions may be required to assure that any remodeling or reconstruction of destroyed units will be accomplished in a fashion which will be compatible with the remaining units.

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(ARTICLE V, Zone Regulations, continued...)

160. R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE

161. Statement of Intent. It is the intent of this section to provide regulations for the development of townhouses (also called rowhouses and attached homes), single-family zero lot-line dwellings (also called patio homes), and/or mixed use moderate density residential development in a manner which is attractive, provides for efficient use of land, and is compatible with surrounding development. It is further intended that these regulations provide for standards which will foster compatibility between R-T/Z development and lower density, standard single-family uses. It is also intended that R-T/Z development be sold in "fee simple" to encourage owner occupancy. For purposes of the R-T/Z zone, the term "exterior street" refers to any public, dedicated and accepted street existing prior to the R-T/Z development, the term "interior street" refers to any street built as part of the R-T/Z development, both sides of which are zoned R-T/Z.

[Ordinance No. 10461 - 8/20/96]

162. Permitted Uses:

- (1) Single-family detached dwellings (excluding factory manufactured homes constructed as a single, self-contained unit and mounted on a single chassis).
- (2) Townhouses.
- (3) Zero lot line single-family detached dwellings (excluding factory manufactured homes constructed as a single, self-contained unit and mounted on a single chassis).
- (4) Parks, playgrounds, schools, churches, and community buildings which are complimentary to the immediate neighborhood.
- (5) Golf courses except driving ranges, miniature courses and other similar commercial operations.
- (6) Accessory uses and buildings.
- (7) Home occupations.
- (8) Kindergartens, operated by governmental units or religious organizations.
- (9) Kindergartens, except those operated by governmental units or by religious organizations; except that such uses shall require a special permit under the terms of Article VIII of this Ordinance.
- (10) Day care centers, except that such uses shall require a special permit from the Board of Appeals under the terms of Article VIII of this Ordinance.

[Ordinance No. 10461 - 8/20/96]

[R-T/Z]

163. Height, Area and Building Regulations:

- (1) Maximum density shall not exceed eight (8) units per acre for attached or detached dwelling units.
- (2) Minimum lot width for zero lot line or single-family detached units shall be thirty-five (35) feet. Minimum lot width for townhouse units shall be twenty-four (24) feet.
- (3) All buildings except detached single-family houses must be set back at least forty (40) feet from any exterior dedicated public street. The setback may be reduced to twenty-five (25) feet if berm and landscaping are provided along the exterior street(s). Detached single-family houses must be set back at least twenty-five (25) feet from any exterior dedicated public street.
- (4) No building shall be located less than twenty-five (25) feet from any boundary of the R-T/Z zone, except on side yards where an R-T/Z zone abuts R-3, R-4, O-1, or any commercial or industrial zone.
- (5) Front setback from any interior street shall be fifteen (15) feet or ten (10) feet if rear parking and loading is provided.
- (6) Side yard setback for zero lot line units must be from zero (0) to one and one-half (1½) feet or a minimum of ten (10) feet from the adjacent property line if buildings are to be separated over a tenth of a foot. The eave overhang is the only permitted element of the building structure allowed in the one and one-half (1½) foot setback. The opposite side yard must be at least ten (10) feet and must be kept perpetually free of permanent obstructions (such as accessory buildings).
- (7) For zero lot line units, no windows, doors, or other openings are permitted on the zero lot line side of the structure.
- (8) Detached single-family houses and two (2) unit townhouses shall be separated by not less than forty (40) feet, except ten (10) feet from side to side.
- (9) Three (3) or more unit townhomes shall be separated by not less than forty (40) feet except fifteen (15) feet end to end or end to the side of other permitted housing types.
- (10) Maximum height of buildings shall be thirty-five (35) feet or two and one-half (2½) stories.

(ARTICLE V, Zone Regulations, continued...)

- (11) Sidewalks, if provided, are to be built according to jurisdictional standards.
- (12) All property lines abutting R-1 zoned property must have a grass covered berm (height to be determined based on terrain conditions) with sight-obscuring landscaping subject to review and approval of a site specific landscape plan. Existing foliage and natural terrain may be considered in lieu of berm and landscaping if intent of this section is met.
- (13) Townhouse development which fronts on exterior public streets must have front yards which are at least sixty-five percent (65%) grass/ landscaping with any driveway and/or sidewalk to be composed of concrete or pavers. Landscaping along all property lines fronting exterior streets must be provided subject to review and approval of a site specific landscape plan.

A site sketch plan shall be submitted with the rezoning application and shall show the following.

- a. Site access and preliminary street layout.
- b. Type of off-street parking.
- c. Preliminary lot design.
- d. Range of lot sizes.
- e. Number of lots.
- f. Acreage.
- g. Open space/recreation areas if provided.
- h. All buffer, landscape and screen areas including site specific landscape design.

[Ordinance No. 10461 - 8/20/96]

[Ordinance No. 10560 - 4/22/97]

164. Off-Street Parking Regulations:

- (1) Off-street parking shall be provided on the same lot or on a lot adjacent to the structure it serves at a rate of two (2) spaces per dwelling unit. Units with four (4) bedrooms or more shall be required to have three (3) parking spaces.
- (2) There shall be one (1) space for every three (3) seats in the main auditorium of churches and other public buildings.

[Ordinance No. 10461 - 8/20/96]

165. Provision for Special Access and Utility Easements. Due to the special nature of these housing types, the Planning Commission may insist on special access easements and other arrangements to provide for adequate servicing and maintenance of the structures even though such easements and provisions might not normally be specified in the Chattanooga Subdivision Ordinance. These easements and special covenants

~~Amended~~

are to be shown on the subdivision plat at the time of its recording. In addition, deed restrictions or other provisions may be required to assure that any remodeling or reconstruction of destroyed units will be accomplished in a fashion which will be compatible with the remaining units.

[Ordinance No. 10461- 8/20/96]

~~Amended~~

(ARTICLE V, Zone Regulations, continued...)

200. R-2 RESIDENTIAL ZONE

201. Permitted Uses:

- (1) Single-family dwellings, excluding factory manufactured mobile homes constructed as a single self-contained unit and mounted on a single chassis.
[Ordinance No. 9661 - 1/21/92]
- (2) Two (2) family dwellings.
- (3) Schools.
- (4) Parks, playgrounds, and community buildings.
- (5) Golf courses, except driving ranges, miniature courses and other similar commercial operations.
- (6) Fire halls and other public buildings.
- (7) Churches.
- (8) Accessory uses and buildings.
- (9) Home occupations.
[Ordinance No. 7639 - 3/18/80]
- (10) Day care homes.
[Ordinance No. 6837 - 1/7/75]
- (11) Kindergartens operated by governmental units or by religious organizations.
- (12) Day care centers, except that such uses shall require a special permit under the terms of Article VIII of this Ordinance.
- (13) Kindergartens, except those operated by governmental units or religious organizations; except that such uses shall require a special permit under the terms of Article VIII of this Ordinance.
[Ordinance No. 6098 - 10/14/69]

202. Height and Area Regulations:

- (1) No buildings shall exceed two and one-half (2½) stories or thirty-five (35) feet in height except that a building may exceed these requirements provided that for every foot of additional height over thirty-five (35) feet the building shall be set back one (1) additional foot from all property lines.

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- (2) The minimum building site area shall be:

Seven thousand, five hundred (7,500) square feet for a single-family dwelling unit on sewers, and

Nine thousand, five hundred (9,500) square feet for a two(2)-family dwelling unit on sewers.

The minimum frontage shall be sixty (60) feet.

[Ordinance No. 8527 - 9/10/85]

- (3) There shall be a front yard of not less than twenty-five (25) feet.

- (4) There shall be a side yard on each side of the building of not less than ten (10) feet. For corner lot side yard requirements, see Article VI, Section 108.

[Ordinance No. 8527 - 9/10/85]

[Ordinance No. 9739 - 6/23/92]

- (5) There shall be a rear yard of not less than twenty-five (25) feet.

- (6) The Health Department may require larger lots when septic tanks are used due to soil conditions, topography, drainage, presence of swimming pools, etc.

[Ordinance 8527 - 9/10/85]

203. Off-Street Parking Regulations: Off-street parking shall be provided on the same lot as or a lot adjacent to the building in accordance with the following requirements:

- (1) For single-family dwellings two (2) parking spaces. Units with four (4) bedrooms or more shall be required to have three (3) parking spaces.

For two (2) family dwellings 1.5 parking spaces for every dwelling unit. Units with two (2) or more bedrooms shall be required to have two (2) parking spaces per dwelling unit.

[Ordinance No. 8527 - 9/10/87]

- (2) One (1) space for every three (3) seats in a main auditorium of churches, schools, and other public buildings.

- (3) Parking space for golf courses shall be in the amount satisfactory to the City and approved by the Traffic Engineer.

204. Special Exceptions for Planned Unit Development: Flexibility in the arrangement of residential uses may be permitted by the City Council as special exceptions in any R-2 Residential Zone, provided that the minimum

(ARTICLE V, Zone Regulations, continued...)

size of any tract of land sought to be used for the planned unit shall be five (5) acres and that a desirable environment through the use of good design procedures is assured, allowing flexibility in individual yard requirements to provide for multiple dwelling units, townhouses, and two (2) family units, except that such use or uses shall require a special permit under the terms of Article V of this Ordinance.

[Ordinance No. 6075 - 7/15/69]

[Ordinance No. 6590 - 7/27/73]

205. Special Exceptions for Cemeteries: The City Council may permit the development of cemeteries (excluding crematoriums, embalming facilities or other such preparatory functions) within any R-2 Residential Zone as a special exception under the terms specified in Article VI of this Ordinance.

[Ordinance No. 6994 - 12/16/75]

206. Special Exceptions for Residential Homes for Handicapped and/or Aged Persons Operated on a Commercial Basis: The City Council may issue a Special Exceptions Permit for a Residential Home for Handicapped and/or Aged Persons under the terms specified in Article VI of this Ordinance, provided that the home shall not contain more than eight (8) handicapped and/or aged persons.

[Ordinance No. 9077 - 11/22/88]

207. Special Exceptions Permit Issued by the Board of Appeals for:

- (1) Assisted Living Facilities: The Board of Appeals may issue a Special Exceptions Permit for an Assisted Living Facility under the terms specified in Article VIII of this Ordinance, provided that the facility shall contain no more than eight (8) residents. This facility may include two (2) additional persons (plus their dependents) acting as houseparents or guardians, who need not be related to the persons residing in the home.

[Ordinance No. 10447 - 7/16/96]

~~Amended~~

250. R-3MD MODERATE DENSITY ZONE

251. Permitted Uses:

- (1) Single-family dwellings, excluding factory manufactured mobile homes constructed as a single self-contained unit and mounted on a single chassis.
[Ordinance No. 9661 - 1/21/92]
- (2) Two-family, three-family, and four-family dwellings.
- (3) Schools.
- (4) Parks, playgrounds, and community buildings.
- (5) Golf courses, except driving ranges, miniature courses and other similar commercial operations.
- (6) Fire halls and other public buildings.
- (7) Churches.
- (8) Accessory uses and buildings.
- (9) Home occupations.
- (10) Day care homes.
- (11) Kindergartens operated by governmental units or by religious organizations.
- (12) Day care centers, except that such uses shall require a special permit under the terms of Article VIII of this Ordinance.
- (13) Kindergartens, except those operated by governmental units or religious organizations; except that such uses shall require a special permit under the terms of Article VIII of this Ordinance.

252. Height and Area Regulations:

- (1) No buildings shall exceed thirty-five (35) feet in height except that a building may exceed these requirements provided that for every foot of additional height over thirty-five (35) feet the building shall be set back one (1) additional foot from all property lines. The minimum frontage shall be sixty (60) feet.
[Ordinance No. 9492 - 11/20/90]
- (2)

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(ARTICLE V, Zone Regulations, continued...)

| | Minimum Area on Sewers | Public Water Supply & Septic Tanks |
|-------------------------|---------------------------|--|
| Single-Family Dwellings | 7,500 sq. feet | 13,000 sq. feet |
| Two-Family Dwellings | 9,500 sq. feet | 18,000 sq. feet |
| Three-Family Dwellings | 11,500 sq. feet | 25,000 sq. feet |
| Four-Family Dwellings | 13,500 sq. feet | 30,000 sq. feet |

The Health Department may limit the number of units on any given lot when septic tanks are used, due to soil conditions, topography, drainage, presence of swimming pool, etc.

[Ordinance No. 8527 - 9/10/85]

(3) There shall be a front yard of not less than twenty-five (25) feet.

(4) There shall be a side yard on each side of the building of not less than ten (10) feet. For corner lot side yard requirements, see Article VI, Section 108.

[Ordinance No. 9739 - 6/23/92]

(5) There shall be a rear yard of not less than twenty-five (25) feet.

253. Off-Street Parking Regulations: Off-street parking shall be provided on the same lot as or a lot adjacent to the building in accordance with the following requirements:

(1) For single-family dwellings two (2) spaces. Units with four (4) bedrooms or more shall be required to have three (3) parking spaces.

For two-family, three-family, and four-family dwellings 1.5 parking spaces for every dwelling unit. Units with two (2) or more bedrooms shall be required to have two (2) parking spaces per dwelling unit.

[Ordinance No. 8527 - 9/10/85]

(2) One (1) space for every three (3) seats in a main auditorium of churches, schools, and other public buildings.

(3) Parking space for golf courses shall be in the amount satisfactory to the City and approved by the Traffic Engineer.

254. Special Exceptions for Cemeteries: The City Council may permit the development of cemeteries (excluding crematoriums, embalming facilities, or other such preparatory functions) within any R-3 Moderate Density Zone as a special exception under the terms specified in Article VI of this Ordinance.

[Ordinance No. 7727 - 9/16/87]

[R-3MD]

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~~Amended~~

300. R-3 RESIDENTIAL ZONE

301. Permitted Uses:

- (1) Single-family dwellings, excluding factory manufactured mobile homes constructed as a single self-contained unit and mounted on a single chassis, except as provided for in Section 304.
[Ordinance No. 6837 - 1/7/75]
[Ordinance No. 9661 - 1/21/92]
- (2) Two-family dwellings.
- (3) Boarding houses, Lodging Houses and Bed and Breakfast.
[Ordinance No. 9422 - 7/24/90]
- (4) Multiple family dwellings.
- (5) Schools.
- (6) Parks, playgrounds and community buildings.
- (7) Golf courses, except driving ranges, miniature courses and other similar commercial operations.
- (8) Fire halls, and other public buildings.
- (9) Churches.
- (10) Home occupations.
- (11) Accessory uses and buildings.
- (12) Day care homes.
- (13) Kindergartens operated by government units or by religious organizations.
- (14) Day care centers, except that such uses shall require a special permit under the terms of Article VIII of this Ordinance.
- (15) Kindergartens, except those operated by governmental units or religious organizations; except that such uses shall require a special permit under the terms of Article VIII of this Ordinance.
[Ordinance No. 6098 - 10/14/69]
[Ordinance No. 10447 - 7/16/96]

302. Height and Area Regulations:

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(ARTICLE V, Zone Regulations, continued...)

- (1) No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height, except that a building may exceed these height requirements provided that for every one (1) foot of additional height over thirty-five (35) feet the building shall be set back one (1) additional foot from all property lines.
- (2) The minimum building site area for dwellings shall be one (1) lot or parcel of seven thousand, five hundred (7,500) square feet plus two thousand (2,000) square feet of lot area for each additional unit.
- (3) The minimum site area for lodging or rooming houses shall be seven thousand, five hundred (7,500) square feet plus five hundred (500) square feet for each lodger in excess of two (2).
- (4) The minimum site area for all other permitted uses shall be ten thousand (10,000) square feet.
- (5) The minimum lot frontage shall be sixty (60) feet.
[Ordinance No. 8527 - 9/10/85]
- (6) There shall be a front yard of not less than twenty-five (25) feet.
- (7) There shall be a side yard on each side of the building of not less than six (6) feet. For corner lot side yard requirements, see Article VI, Section 108.
[Ordinance No. 8527 - 9/10/85]
[Ordinance No. 9739 - 6/23/92]
- (8) There shall be a rear yard of not less than twenty-five (25) feet.
- (9) The Health Department may limit the number of units on any given lot (when septic tanks are used), due to soil conditions, topography, drainage, presence of swimming pools, etc.
[Ordinance No. 8527 - 9/10/85]

303. Off-Street Parking Regulations: Off-street parking shall be provided on the same lot as or a lot adjacent to the building in accordance with the following requirements:

- (1) For single-family dwellings two (2) parking spaces. Units with four (4) bedrooms or more shall be required to have three (3) parking spaces.

For two(2)-family dwellings 1.5 parking spaces per dwelling unit. Units with two (2) or more bedrooms shall be required to have two (2) parking spaces per dwelling unit.

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For multiple family dwelling units 1.25 parking spaces per dwelling unit. Units with two (2) or more bedrooms shall be required to have 1.75 parking spaces per dwelling unit.

[Ordinance No. 8527 - 9/10/85]

- (2) One (1) space for every two (2) lodgers in a lodging house, boarding house or bed and breakfast.

[Ordinance No. 9422 - 7/24/90]

- (3) One (1) space for every three (3) seats in a main auditorium for churches, schools, and other public buildings.

304. Special Exceptions for Manufactured Homes: Manufactured Home Parks may be permitted as special exceptions in any R-3 Zone, except that such use shall require a special permit under the terms of Article VIII, and further provided that:

- (1) The applicant presents plans and specifications for the proposed park to the Board of Appeals in a form suitable for making the determinations required therein.
- (2) The proposed site shall contain not less than twenty (20) acres total, and two thousand, four hundred (2,400) square feet per manufactured home.
- (3) Connections to a public or private sewage disposal system satisfactory to the City-County Health Department or the City Plumbing Inspector are provided for each manufactured home space.
- (4) Connections to a public water supply system are provided for each manufactured home space.
- (5) The demand for school, fire and police protection, and other public services and utilities created by the proposed park will not exceed the capacity of the agencies involved to provide such services.
- (6) A greenbelt planting strip, not less than twenty (20) feet in width, is located around the perimeter of the park except in those parts of the perimeter where such planting would create a traffic hazard by impairing visibility. Such greenbelt shall be composed of one (1) row of deciduous and/or evergreen trees, spaced not more than forty (40) feet apart and which grow to a height of six (6) feet or more after two (2) full growing seasons.

305. Special Exceptions for Planned Unit Development: Flexibility in the arrangement of residential uses may be permitted by the City Council as special exceptions in any R-3 residential zone, provided that the minimum size of any tract of land sought to be used for the planned unit shall be

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(ARTICLE V, Zone Regulations, continued...)

five (5) acres and that a desirable environment through the use of good design procedures is assured, allowing flexibility in individual yard requirements to provide for multiple dwelling units, townhouses, and two(2)-family units, except that such use or uses shall require a special permit under the terms of Article V of this Ordinance.

[Ordinance No. 6075 - 7/15/69]

306. Special Exceptions for Residential Homes for Handicapped and/or Aged Persons Operated on a Commercial Basis: The City Council may issue a Special Exceptions Permit for a Residential Home for Handicapped and/or Aged Persons under the terms specified in Article VI of this Ordinance.

[Ordinance No. 9077 - 11/22/88]

307. Special Exceptions Permits Issued by the Board of Appeals for:

- (1) Assisted Living Facilities: The Board of Appeals may issue a Special Exceptions Permit for an Assisted Living Facility under the terms specified in Article VIII of this Ordinance.
- (2) Medically Assisted Living Facilities: The Board of Appeals may issue a Special Exceptions Permit for a Medically Assisted Living Facility under the terms specified in Article VIII of this Ordinance.

[Ordinance No. 10447 - 7/16/96]

~~Appendix~~

400. R-4 SPECIAL ZONE

401. Permitted Uses:

- (1) Single-family, two-family, and multiple-family dwellings, excluding factory manufactured mobile homes constructed as a single self-contained unit and mounted on a single chassis.
[Ordinance No. 6837 - 1/7/75]
[Ordinance No. 9661 - 1/23/92]
- (2) Lodging Houses, Boarding Houses and Bed and Breakfast.
[Ordinance No. 9422 - 7/24/90]
- (3) Colleges, schools and libraries.
- (4) Churches.
- (5) Social agencies and other non-commercial public and semi-public uses.
- (6) Dormitories.
- (7) Commercial parking lots except that such uses shall require a special permit under the terms of Article VIII.
- (8) Professional, medical or dental offices and clinics.
- (9) Laboratories and research centers not objectionable because of odor, dust, noise, or vibration.
- (10) Offices.
- (11) Parks and playgrounds.
- (12) Home occupations.
- (13) Drug stores or restaurants in office buildings of four (4) or more stories.
- (14) Fraternal, professional or hobby clubs except that such uses shall require a special permit under the terms of Article VIII.
- (15) Hospitals and nursing homes except that such uses shall require a special permit under the terms of Article VIII.
- (16) Funeral homes, mortuaries, and undertaking establishments (excluding crematoriums), except that such uses shall require a Special Permit under the terms of Article VIII.

~~Appendix~~

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(ARTICLE V, Zone Regulations, continued...)

[Ordinance No. 10491 - 10/15/96]

(17) Accessory uses and buildings.

(18) Day care homes.

(19) Kindergartens operated by governmental units or by religious organizations.

(20) Day care centers, except that such uses shall require a special permit under the terms of Article VIII of this Ordinance.

(21) Kindergartens, except for those operated by governmental units or by religious organizations; except that such uses shall require a special permit under the terms of Article VIII of this Ordinance.

[Ordinance No. 6098 - 10/14/69]

(22) Banks and branch banks.

[Ordinance No. 6844 - 2/4/75]

(23) Small animal hospitals except that such uses shall require a special permit under the terms of Article VIII.

[Ordinance No. 6931 - 8/19/75]

(24) Radio, television and motion picture production studios, excluding transmission towers. Transmission towers shall require a special permit under the terms of Article VIII.

[Ordinance No. 7188 - 5/17/87]

[Ordinance No. 9492 - 11/20/90]

(25) Drug and alcohol, penal or correctional halfway houses or rehabilitation centers and uses similar in character, except that such uses shall require a special permit under the terms of Article VIII.

[Ordinance No. 8410 - 1/8/85]

(26) Portrait and photography studios.

[Ordinance No. 9354 - 4/17/90]

(27) Museums and art galleries with retail sales as an accessory on-site use, except that such accessory use shall require a special permit under the terms of Article VIII.

[Ordinance No. 9701 - 4/21/92]

(28) Gift shops, except that such use shall require a special permit under the terms of Article VIII.

[Ordinance No. 9701 - 4/21/92]

402. Height and Area Regulations:

[R-4]

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- (1) No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height except that a building may exceed these requirements provided that for every foot of additional height over thirty-five (35) feet, the building shall be set back one (1) additional foot from all property lines.
- (2) Minimum building lot area for dwellings on sewers: seven thousand, five hundred (7,500) square feet, plus two thousand (2,000) square feet for each dwelling unit over one (1).

Boarding houses, dormitories, fraternity and sorority houses shall have a minimum of seven thousand, five hundred (7,500) square feet, plus five hundred (500) square feet for each lodger or boarder over two (2).

This minimum lot area shall be in addition to the area required for any commercial use and its parking and loading areas. All other uses shall have a minimum of ten thousand (10,000) square feet.

The minimum frontage shall be sixty (60) feet.
[Ordinance No. 8527 - 9/10/87]

- (3) There shall be a front yard of not less than twenty-five (25) feet.
- (4) There shall be a side yard of each side of the building of not less than six (6) feet on each side. For corner lot side yard requirements, see Article VI, Section 108.
[Ordinance No. 8527 - 9/10/85]
[Ordinance No. 9739 - 6/23/92]
- (5) There shall be a rear yard of not less than twenty-five (25) feet.
- (6) The Health Department may limit the number of units on any given lot (when septic tanks are used), due to soil conditions, topography, drainage, presence of swimming pool, etc.
[Ordinance No. 8527 - 9/10/85]

403. Off-Street Parking Regulations: Off-street parking shall be provided on the same lot as or a lot adjacent to the building and in accordance with the following requirements:

- (1) For single-family dwellings two (2) parking spaces. Units with four (4) bedrooms or more shall be required to have three (3) parking spaces.

(ARTICLE V, Zone Regulations, continued...)

For two(2)-family dwellings 1.5 parking spaces per dwelling unit. Units with two (2) or more bedrooms shall be required to have two (2) parking spaces per dwelling unit.

For multiple-family units 1.25 parking spaces per dwelling unit. Units with two (2) or more bedrooms shall be required to have 1.75 parking spaces per dwelling unit.

[Ordinance No. 8527 - 9/10/85]

- (2) For fraternity, sorority, boarding or lodging houses or Bed and Breakfast there shall be one (1) space for every two (2) lodgers.

[Ordinance No. 9422 - 7/24/90]

- (3) For public uses or other uses with a chapel or auditorium one (1) space for every three (3) seats in the main auditorium.

- (4) For hospitals and nursing homes one (1) space for every three (3) beds.

- (5) For all other permitted uses of one (1) or two (2) stories, there shall be five (5) parking spaces/one thousand (1,000) square feet of gross leasable floor area.

[Ordinance No. 9037 - 9/20/88]

For all other permitted uses of three (3) or more stories, there shall be four (4) parking spaces/one thousand (1,000) square feet of gross leasable floor area.

[Ordinance No. 8946 - 5/17/88]

[Ordinance No. 9037 - 9/20/88]

- (6) Handicapped parking shall meet the current ADA standards.

[Ordinance No. 10060 - 6/21/94]

404. Special Exceptions for an Institutional Planned Unit Development: Flexibility in the arrangements of institutional and related uses may be permitted by the City Council as special exceptions in individual yard requirements to provide for college and university owned facilities, offices, professional and medical buildings, and other institutional structures, except that such use or uses shall require a special permit under the terms of Article V of this Ordinance.

[Ordinance No. 6313 - 7/13/71]

405. Special Exceptions for Residential Homes for Handicapped and/or Aged Persons Operated on a Commercial Basis: The City Council may issue a Special Exceptions Permit for a Residential Home for the Handicapped and/or Aged Persons under the terms specified in Article VI of this Ordinance.

[Ordinance No. 9077 - 11/22/88]

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406. Special Exceptions Permits Issued by the Board of Appeals for:

- (1) Assisted Living Facilities: The Board of Appeals may issue a Special Exceptions Permit for an Assisted Living Facility under the terms specified in Article VIII of this Ordinance.
- (2) Medically Assisted Living Facilities: The Board of Appeals may issue a Special Exceptions Permit for a Medically Assisted Living Facility under the terms specified in Article VIII of this Ordinance.
[Ordinance No. 10447 - 7/16/96]

(ARTICLE V, Zone Regulations, continued...)

410. R-5 RESIDENTIAL ZONE

411. Permitted Uses:

- (1) Single family dwellings, including manufactured homes and modular homes.
[Ordinance No. 6837 - 1/7/75]
- (2) Two family dwellings.
- (3) Schools.
- (4) Parks, playgrounds, and community buildings.
- (5) Golf courses, except driving ranges, miniature courses, and other similar commercial operations.
- (6) Fire halls and other public buildings.
- (7) Churches.
- (8) Accessory uses and buildings.
- (9) Home occupations.
[Ordinance No. 7636 - 3/18/80]
- (10) Day care homes.
- (11) Kindergartens operated by governmental units or religious organizations.
- (12) Day care centers, except that such uses shall require a special permit under the terms of Article VIII of this Ordinance.
- (13) Kindergartens, except those operated by governmental units or religious organizations; except that such uses shall require a special permit under the terms of Article VIII of this Ordinance.

412. Height and Area Regulations:

- (1) No buildings shall exceed two and one-half (2½) stories or thirty-five (35) feet in height, except that a building may exceed these requirements provided that for every foot of additional height over thirty-five (35) feet the building shall be set back one (1) additional foot from all property lines.
- (2) Minimum Building Site Area:

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~~Amended~~

| | | Public Water & Sanitary Sewers | Public Water Septic Tanks |
|-----|-------------------------|-----------------------------------|------------------------------|
| ft. | Single-Family Dwellings | 7,500 sq. ft. | 13,000 sq. |
| ft. | Manufactured Homes | 7,500 sq. ft. | 23,000 sq. |
| ft. | Two-Family Dwellings | 9,500 sq. ft. | 18,000 sq. |

- (3) There shall be a front yard of not less than twenty-five (25) feet.
- (4) There shall be a side yard on each side of the building of not less than ten (10) feet. For corner lot side yard requirements, see Article VI, Section 108.
[Ordinance No. 9739 - 6/23/92]
- (5) There shall be a rear yard of not less than twenty-five (25) feet.
- (6) The minimum frontage shall be sixty (60) feet.
- (7) The Health Department may require larger lots when septic tanks are used due to soil conditions, topography, drainage, presence of swimming pools, etc.
[Ordinance No. 8527 - 9/10/85]

413. Off-Street Parking Regulations: Off-street parking shall be provided on the same lot as or a lot adjacent to the building, in accordance with the following requirements:

- (1) For single-family dwellings two (2) parking spaces. Units with four (4) bedrooms or more shall be required to have three (3) parking spaces.

For two(2)-family dwellings 1.5 parking spaces for every dwelling unit. Units with two (2) or more bedrooms shall be required to have two (2) parking spaces per dwelling unit.
[Ordinance No. 8527 - 9/10/85]
- (2) One (1) space for every three (3) seats in a main auditorium of churches, schools, and other public buildings.
- (3) Parking space for golf courses shall be in the amount satisfactory to the City and approved by the Traffic Engineer.
[Ordinance No. 9492 - 11/20/90]

~~Amended~~

(ARTICLE V, Zone Regulations, continued...)

414. General Provisions:

- (1) All manufactured homes shall be tied down in a manner meeting safety and performance requirements of any governmental regulations covering tie-down and anchoring devices, as specified by the Building Inspector.
- (2) All accessory buildings to the principal building (whether attached or detached) shall be subject to the same permit procedures and other regulations pertaining to dwelling units.

~~Amended~~

420. 0-1 OFFICE ZONE

421. Permitted Uses:

- (1) Office buildings.
- (2) Colleges, schools, and libraries.
- (3) Churches.
- (4) Social agencies and other non-commercial public and semipublic uses.
- (5) Professional, medical or dental offices and clinics.
- (6) Laboratories and research centers not objectionable because of odor, dust, noise or vibration.
- (7) Public buildings, including fire stations.
- (8) Fraternal, professional or hobby organizations and clubs except that such uses shall require a special permit under the terms of Article VIII.
- (9) Accessory uses and buildings.
- (10) Banks and branch banks.
- (11) Radio, television and motion picture production studios, excluding transmission towers. Transmission towers shall require a special permit under the terms of Article VIII.
[Ordinance No. 9492 - 11/20/90]
- (12) Commercial parking lots in conjunction with permitted uses except that such uses shall require a special permit under the terms of Article VIII.
- (13) Signs incident to the permitted uses, except that only one (1) sign shall be permitted for each structure, which sign shall be set back 10 feet from any property line. The sign shall not exceed 48 square feet in area. If illuminated, the sign shall be indirectly lit in such a way that the light source cannot be seen from any public way or adjoining property. The lighting intensity shall not exceed 25 foot-candles at the face of the sign. No flashing or intermittent lights will be permitted.
- (14) Parks.
[Ordinance No. 7593 - 12/18/79]

~~Amended~~

~~Amended~~

(ARTICLE V, Zone Regulations, continued...)

- (15) Day care centers, except that such uses shall require a special permit from the Board of Appeals under the terms of Article VIII of this ordinance.

[Ordinance No. 8397 - 11/27/84]

422. Height and Area Regulations:

- (1) No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height except that a building may exceed these requirements provided that for every foot of additional height over thirty-five (35) feet, the building shall be set back one (1) additional foot from all property lines.

- (2) There is no minimum building site area.

- (3) The minimum frontage shall be sixty (60) feet.

- (4) There shall be a front yard of not less than twenty-five (25) feet.
[Ordinance No. 7787 - 1/20/81]

- (5) There shall be a side yard not less than ten (10) feet when a permitted use adjoins a residential zone. For corner lot side yard requirements, see Article VI, Section 108.
[Ordinance No. 9739 - 6/23/92]

- (6) There shall be a rear yard of not less than twenty-five (25) feet when permitted use adjoins a residential zone.

- (7) Other than as provided above, no other front, rear or side yards are required, except where buildings are separated; the distance between them shall be at least ten (10) feet.
[Ordinance No. 8527 - 9/10/85]

423. Off-Street Parking Regulations: Off-street parking shall be provided on the same lot as the building or on a lot adjacent to the building and in accordance with the following requirements:

- (1) For public uses or other uses with a chapel or auditorium one (1) space for every three (3) seats in the main assembly room.

- (2) For all other permitted uses of one (1) or two (2) stories, there shall be five (5) parking spaces/one thousand (1,000) square feet of gross leasable floor area.

[Ordinance No. 9037 - 9/20/88]

~~Amended~~

For all other permitted uses of three (3) or more stories, there shall be four (4) parking spaces/one thousand (1,000) square feet of gross leasable floor area.

[Ordinance No. 8946 - 5/17/88]

[Ordinance No. 9037 - 9/20/88]

- (3) Handicapped parking shall meet the current ADA standards.

[Ordinance No. 10060 - 6/21/94]

~~Amended~~

(ARTICLE V, Zone Regulations, continued...)

500. C-1 HIGHWAY COMMERCIAL ZONE

501. Intent: It is the intent of the C-1 Highway Commercial Zone to promote the clustering and development of commercial facilities which are directly dependent upon transient patronage, or otherwise clearly related to traffic along highways and major thoroughfares, in such manner as to protect both the businesses and surrounding neighborhoods.

502. Location: Highway Commercial Zones shall be located so as to primarily serve traffic on major streets or collector streets, and all businesses developed within such zones shall be situated on site so as to offer convenient ingress and egress to such streets. For the purpose of these regulations, the terms "major street" and "collector street" shall be taken to mean any street identified as such in the General Plan-1990, Chattanooga-Hamilton County, Tennessee, as amended or any successive plan.

503. Principal Uses Permitted: The following principal uses and structures may be permitted in any C-1 Highway Commercial Zone:

- (1) Motels, hotels, tourist courts, guest houses, and tourist homes.
- (2) Restaurants and other establishments serving prepared food and beverages.
- (3) Automobile and boat service stations, washes, new and used dealerships and repair facilities, provided that the area being used for outside storage of any vehicles other than display areas or parking of wrecked or inoperative vehicles being repaired must be screened by a sight-obscuring fence, a minimum of eight feet (8 ft.) high.

[Ordinance No. 8896 - 1/26/88]

[Ordinance No. 9344 - 3/20/90]

NOTE: Automobiles displayed at automobile dealerships are not considered to be in conflict with the provisions of this ordinance.

[Ordinance No. 9344 - 3/20/90]

- (4) Churches.
- (5) Billboards and signs.
- (6) Coin-operated laundry and cleaning establishments.
- (7) Bus terminals, train stations, taxi stands.
- (8) Drug stores, gift shops, camera shops, stationery stores.

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- (9) Banking establishments, savings and loan institutions.
- (10) Bowling alleys, billiard rooms, theaters or other indoor amusement establishments.
[Ordinance No. 8310 - 5/23/84]
- (11) Medical or dental offices.
[Ordinance No. 8310 - 5/23/84]
- (12) Mobile or self-propelled construction equipment sales.
[Ordinance No. 8527 - 9/10/87]
- (13) Offices.
[Ordinance No. 9524 - 3/19/91]
- (14) Mini-warehouses subject to provision of a natural sight-obscuring, landscaped screen on all sides, including the front, in accordance with the planting standards of Article V, Section 1024(7)a of the Chattanooga Zoning Ordinance, except where a property line abuts an M-1, M-2 or M-3 zone.
[Ordinance No. 10205 - 4/18/95]

504. Uses Permitted as Special Exceptions by the Board of Zoning Appeals: The following uses and structures may be permitted as special exceptions in any C-1 Highway Commercial Zone, subject to requirements and restrictions as specified;

A. Travel trailer camps and other camping facilities provided that:

- (1) The owner shall submit to the Board of Appeals a site plan of the proposed camp, drawn to scale no smaller than one inch equals fifty feet (1" = 50') and showing:
 - (a) Name of actual or beneficial owner(s),
 - (b) Location of the tract,
 - (c) Tract boundaries and acreage,
 - (d) The number and general location of the trailer stands,
 - (e) Driveways and parking spaces,
 - (f) Size and location of the nearest public water line that is approved by the Health Department, or nature and capacity of alternate water source,
[Ordinance No. 9492 - 11/20/90]
 - (g) Type and location of sewage disposal facilities, and
 - (h) Restrooms and shower facilities.
- (2) There shall be no more than ten (10) trailer or tent stands per acre. There shall be at least twenty-five feet (25') between

(ARTICLE V, Zone Regulations, continued...)

all trailers with their tow vehicle and any other trailer or tow vehicle. There shall be at least twenty feet (20') between all tents.

- (3) There shall not be more than one (1) sign for each travel trailer camp, and it shall be set back thirty-five (35) feet from the street. It shall not exceed twenty (20) square feet in area. If illuminated, the sign shall be indirectly lit in such a way that the light source cannot be seen from any public way or adjoining property. The lighting intensity shall not exceed twenty-five (25) foot candles at the face of the sign. No flashing or intermittent lights will be permitted.
- (4) No trailer or tent may be located within: thirty-five (35) feet of the front property line, twenty-five (25) feet of the rear property line, and fifteen (15) feet of the side property lines.
- (5) There may be one (1), but not more than one (1), small food market located on the travel trailer camp site. It shall have no more than one thousand (1,000) square feet in floor area and be in business to serve the transients of the camp.
- (6) There may be one (1), but not more than one (1), structure containing a launderette and/or dry cleaning establishment. This building shall be located on the site and shall contain no more than six-hundred (600) square feet in floor area. Such building shall be heated, lighted, sidewalled, and covered.
- (7) {All travel trailer camps shall comply with the requirements of the Tennessee Trailer Court Act, T.C.A. Sections 53-3201 through 53-3220, regarding water supply sewage disposal facilities, refuse storage, collection and disposal.} **Repealed by Public Acts of 1989, Chapter 228, §1.**
- (8) A greenbelt planting strip, not less than fifteen (15) feet in width, is located along the property lines of the travel trailer camp where the property abuts a residential district except in those parts of the perimeter where such planting would create a traffic hazard by impairing visibility. Such greenbelt shall be composed of one (1) of three (3) methods given below:
 - (a) One (1) row of deciduous and evergreen trees, spaced not more than fifteen (15) feet apart, at least eight (8) feet tall, and with a minimum trunk diameter of one-and-one-half (1½) inches at planting, and

- (b) One (1) row of shrubs, with a ratio of two (2) deciduous to one (1) evergreen shrub, spaced an average of five (5) feet apart. Such shrubs shall be a minimum of thirty (30) inches in height at planting and expected to grow to a height of five (5) feet in three (3) or four (4) full growing seasons.
- (c) Natural vegetation can be retained if it meets the intent of this section or supplemented to meet the intent of this section.
- (d) A sight obscuring screen (either solid or veil block, or some form of fence that is at least fifty (50) percent opaque and at least six (6) feet high.)
- (9) The building inspector is hereby authorized to inspect the records of the camp operator to enforce the ninety (90) day occupancy limit.
- B. Adult-oriented establishments, as defined and restricted in Article VIII, provided that a special permit is obtained from the Board of Zoning Appeals under the terms specified therein.
- C. Day care centers.
[Ordinance No. 9077 - 11/22/88]
- D. Facilities such as boarding, grooming, training and similar uses for small animals.
[Ordinance No. 10326 - 11/14/95]
- E. Miniature golf courses and similar outdoor amusement facilities.
[Ordinance No. 9869 - 4/27/93]
[Ordinance No. 10548 - 3/18/97]
- 505. Uses Permitted as Special Exceptions by the City Council, as authorized by T.C.A. §57-3-208 and *Chattanooga City Code*, Part II, Sections 5-101 through 5-126.
 - (1) Liquor stores,
 - (2) Wineries, including vineyards, processing, bottling and sales facilities.
[Ordinance No. 7686 - 6/24/80]
[Ordinance No. 9077 - 11/22/88]
[Ordinance No. 10023 - 3/22/94]
- 506. Permitted Accessory Uses and Structures: The following accessory uses and structures may be permitted in any approved C-1 Highway Commercial Zone:

(ARTICLE V, Zone Regulations, continued...)

- (1) Residence, excluding factory manufactured mobile homes constructed as a single self-contained unit and mounted on a single chassis, for innkeeper and family associated with motels, hotels, tourist homes, guest homes, travel trailer camps, and other accommodations.

[Ordinance No. 9661 - 1/21/92]

- (2) Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures, as stated and restricted above, and which do not involve operations or structures not in keeping with the intent of this section or with the character of the zone, or likely (as constructed, operated, or maintained) to have an adverse effect on the character of areas surrounding the zone.

507. Prohibited Uses and Structures: In general, any use or structure not of a nature permitted under "Principal Uses Permitted" and "Permitted Accessory Uses and Structures" or any use or structure that is otherwise found to be not in keeping with the stated intent of these zone regulations is prohibited within the C-1 Highway Commercial Zone.

Outdoor storage of equipment or merchandise shall be limited to 20% of the lot square footage, excluding the area where buildings are located, such area shall be contained by fence, a minimum of six (6) feet high, and shall not encroach upon the required parking area. Additional parking requirements shall be required for the outdoor use. (Building/Structure Base square footage and outdoor use = Total square footage for Parking Requirement.)

[Ordinance No. 9518 - 2/12/91]

[Ordinance No. 9815 - 12/15/92]

508. Minimum Yard and Landscaping Requirements; Maintenance of Visibility at Access Points; Relation of Yards to Turnout and Merging Lanes:

- (1) Yards with a minimum depth of twenty-five (25) feet shall be provided along any public street or right-of-way. Side yards with a minimum width of ten (10) feet and rear yards of not less than twenty-five (25) feet depth shall be required where permitted C-1 use adjoins R-1, R-2, R-3, R-5, R-3MD, RZ-1, or RT-1 Residential Zone. Other than as provided above, no other front, rear, or side yards are required, but where buildings are separated, the distance between them shall be at least ten (10) feet.

[Ordinance No. 8637 - 9/10/80]

- (2) No structure, landscaping, fences, terraces, or other natural or artificial features adjacent to any street shall be of a nature impairing visibility from or of approaching vehicular traffic where such visibility is important to safety, nor shall such features in any way create potential hazards to pedestrians. In particular, at vehicular entrances and exits, no off-street parking, landscaping,

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~~Amended~~

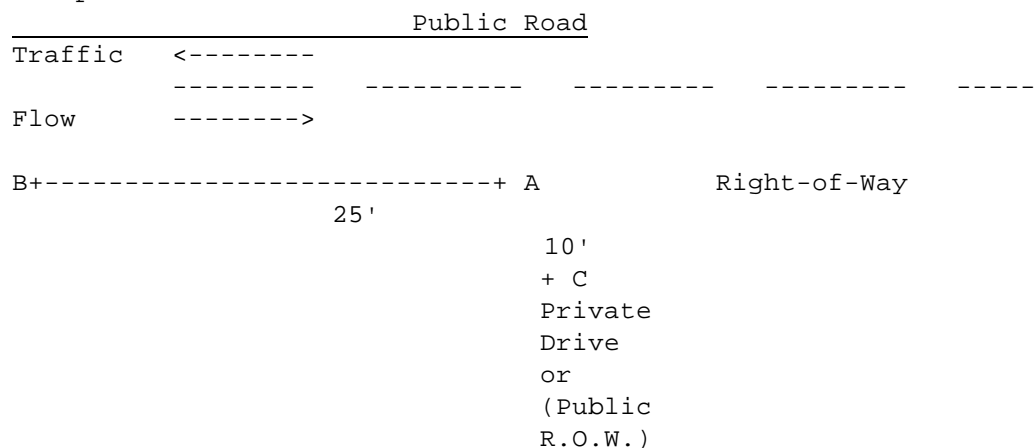
or other material impediment to visibility between the heights of three (3) feet and eight (8) feet shall be permitted within a triangular area bounded by imaginary lines connecting three (3) points as described and illustrated below:

Point A At the intersection of any public right-of-way with another right-of-way, either public or private drive, the point of intersection nearest approaching traffic.

Point B Beginning at Point A, proceeding along the boundary line of the public right-of-way toward the direction of oncoming traffic for a distance of twenty-five (25) feet to a second point: Point B.

Point C Beginning at Point A, proceeding along a line perpendicular to the public right-of-way and generally along the edge of the private driveway (or public right-of-way) toward the interior of the lot for a distance of ten (10) feet to a third point: Point C.

Example:



[Ordinance No. 9077 - 11/22/88]

- (3) Along major public streets, turn-out lanes, and merging lanes may be required to be constructed on the lot, with length and width as appropriate to the flow of traffic, and traffic separation devices may be required at such entrances and exits and along such merging lanes. Whether required by the traffic engineer or provided voluntarily, such turn-out and merging lanes may be included as part of the required yard adjacent to the public collector or arterial street. Any disagreement regarding requirements for turn-out and merging lanes may be appealed to the Board of Zoning Appeals.

~~Amended~~

(ARTICLE V, Zone Regulations, continued...)

509. Maximum Height of Structure: No building or structure except radio, television, telephone and microwave towers (See Article VIII, Section 107), shall exceed two and one-half stories or 35 feet in height, except that a building or structure may exceed these height requirements provided that for every one (1) foot of additional height over 35 feet the building or structures shall be set back one (1) additional foot from all property lines.

[Ordinance No. 9492 - 11/20/90]

[Ordinance No. 9791 - 9/15/92]

[Ordinance No. 9999 - 1/25/94]

510. Minimum Off-Street Parking and Loading Space Requirements: Off-street parking and loading space shall be provided on the same lot as or a lot adjacent to the structure or use in accordance with the following requirements:

- (1) For motels, tourist courts, and tourist homes, one (1) parking space for every guest room or unit plus one (1) space for every innkeeper's dwelling.
- (2) For churches there shall be one (1) space for every three (3) seats in the largest chapel or auditorium.
- (3) For restaurants, delicatessens and other eating establishments, there shall be one (1) parking space for every three (3) seats.
- (4) Principal parking requirements for retail uses in the C-1 Commercial Zone will be 4 spaces/1,000 square feet of gross leasable space for all buildings or commercial centers of less than 25,000 square feet.

[Ordinance No. 8097 - 1/25/83]

For buildings/centers over 25,000 square feet of gross leasable space in the C-1 Commercial Zone, the requirements will be 5 spaces/1,000 square feet.

Parking spaces are not required for detached warehouse facilities which are attendant to the principal commercial use.

- (5) Handicapped parking shall meet the current ADA standards.
[Ordinance No. 8097 - 1/25/83]
[Ordinance No. 10060 - 6/21/94]
- (6) Off-street loading facilities shall be provided which do not require the use of required off-street parking space during hours when establishments in the zone are open for business.
- (7) All off-street parking and loading space shall be subject to review and approval by the City Traffic Engineer and shall be so located,

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~~Amended~~

improved, illuminated, operated and maintained as to provide safe and convenient circulation on the premises and to and from adjacent streets, and to minimize potential frictions with adjoining property.

- (8) For business operations which involve a combinations of uses such as warehousing and wholesaling along with retailing or other permitted uses, total required parking may be determined by measuring the amount of floor space within the business structure that is devoted to each separate use and calculating the need based upon the specific parking requirements as set forth for the various uses in this section and elsewhere in this Ordinance. Parking requirements calculated in this manner shall be subject to review and approval by the City of Chattanooga Traffic Engineer prior to issuance of any building or occupancy permit.

- (9) For all other permitted uses of one (1) or two (2) stories, there shall be five (5) parking spaces/1000 square feet of gross leasable floor area.

[Ordinance No. 9037 - 9/20/88]

For all other permitted uses of three (3) or more stories, there shall be four (4) parking spaces/1000 square feet of gross leasable floor area.

[Ordinance No. 8946 - 5/17/88]

~~Amended~~

(ARTICLE V, Zone Regulations, continued...)

600. C-2 CONVENIENCE COMMERCIAL ZONE

601. Intent: It is the intent of the C-2 Convenience Commercial Zone to promote, where need exists, the clustering and development of businesses, offices, and service facilities to serve the demand for goods and services generated both by area residents and by transients traveling to or from other neighborhoods or places of employment.

602. Location: C-2 Convenience Commercial Zones shall be located so as to primarily serve traffic on major streets or collector streets, and all businesses developed within such zones shall be situated on site so as to offer convenient ingress and egress to such streets. For the purpose of these regulations, the terms "major street" and "collector street" shall be taken to mean any street identified as such in the General Plan-1990, Chattanooga-Hamilton County, Tennessee, as amended, or any successive such plan.

603. Principal Uses Permitted: The following principal uses and structures may be permitted in any C-2 Convenience Commercial Zone:

- (1) Bakeries, delicatessens, meat and fish markets whose products are sold only at retail and on the premises,
- (2) Banks, savings and loan institutions, finance companies,
- (3) Barber shops, beauty shops, and health clinics,
- (4) Bowling alleys, billiard rooms, theaters, or other indoor amusement establishments,
- (5) Automobile and boat service stations, washes, new and used dealerships and repair facilities, provided that the area being used for outside storage of any vehicles other than display areas or parking of wrecked or inoperative vehicles being repaired must be screened by a sight-obscuring fence, a minimum of eight feet (8 ft.) high.

[Ordinance No. 8896 - 1/26/88]

[Ordinance No. 9344 - 3/20/90]

NOTE: Automobiles displayed at automobile dealerships are not considered to be in conflict with the provisions of this ordinance.

[Ordinance No. 9344 - 3/20/90]

- (6) Office buildings,
- (7) Restaurants and other establishments serving prepared food and beverages,

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- (8) Shoe repair, orthopedic equipment sales and fitting,
- (9) Hospitals, clinics, and social agencies,
- (10) Commercial signs and billboards,
- (11) Retail laundry and dry cleaning establishments,
- (12) Nurseries, florists, greenhouses, and garden centers,
- (13) Schools, churches, and other public and semi-public buildings,
- (14) Provided that not more than five (5) persons are employed therein, the following uses may be permitted:

- Plumbing shops
- Electrical shops
- Radio and TV shops
- Appliance repair shops
- Small print shops
- Photocopying services
- Similar workshop type uses

[Ordinance No. 9343 - 3/20/90]

- (15) In general, all stores, shops, or services similar in character, type and effect to the above unless otherwise controlled or provided by law.

[Ordinance No. 9077 - 11/22/88]

- (16) Dwellings, excluding factory manufactured mobile homes constructed as a single self-contained unit and mounted on a single chassis, when these units are located within the same building as the principal permitted use.

[Ordinance No. 8527 - 9/10/85]

[Ordinance No. 9661 - 1/21/92]

- (17) Wholesaling with accessory warehousing and related office space provided that said use shall not exceed 5,000 sq. ft. in total usable floor area.

[Ordinance No. 8616 - 4/1/86]

- (18) Optical laboratories/sales and dental laboratories.

[Ordinance No. 10024 - 3/22/94]

~~Amended~~

(ARTICLE V, Zone Regulations, continued...)

- (19) Mini-warehouses subject to provision of a natural sight-obscuring, landscaped screen on all sides, including the front, in accordance with the planting standards of Article V, Section 1024(7)a of the Chattanooga Zoning Ordinance, except where a property line abuts an M-1, M-2 or M-3 zone.

[Ordinance No. 10205 - 4/18/95]

604. Uses Permitted as Special Exceptions by the Board of Zoning Appeals: The following uses and structures may be permitted as special exceptions in any C-2 Convenience Commercial Zone subject to requirements and restrictions as specified on Article VIII of these regulations:

- (1) Funeral homes, mortuaries, and undertaking establishments (excluding crematoriums),
- (2) Small animal hospitals and veterinary offices,
- (3) Open-air markets,
- (4) Miniature golf courses and similar outdoor amusement facilities,
- (5) Adult-oriented establishments,
- (6) Day care centers,
- (7) Facilities such as boarding, grooming, training and similar uses for small animals.

[Ordinance No. 8397 - 11/27/84]

[Ordinance No. 9869 - 4/27/93]

[Ordinance No. 10326 - 11/14/95]

605. Uses Permitted as Special Exceptions by the City Council, as authorized by T.C.A. 57-3-208 and Chattanooga City Code, Part II, Sections 5-101 through 5-126.

- (1) Liquor stores,
- (2) Wineries, including vineyards, processing, bottling and sales facilities.

[Ordinance No. 7686 - 6/24/80]

[Ordinance No. 9077 - 11/22/88]

[Ordinance No. 10023 - 3/22/94]

606. Permitted Accessory Uses and Structures: The following accessory uses and structures may be permitted in any approved C-2 Convenience Commercial Zone:

Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures, as stated and restricted above, and which do not involve operations or structures not in keeping with the intent of this section or with the character of the zone, or likely (as constructed, operated, or maintained) to have as adverse effect on the character of areas surrounding the zone.

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~~Artificial~~

607. Prohibited Uses and Structures: In general, any uses or structures not of a nature permitted under "Principal Uses Permitted" and "Permitted Accessory Uses and Structures" or any use or structure that is otherwise found to be not in keeping with the stated intent of these zoning regulations is prohibited within the C-2 Convenience Commercial Zone.

Any outdoor storage of equipment or merchandise shall be limited to 20% of the lot square footage, excluding the area where buildings are located, such area shall be contained by fence, a minimum of six (6) feet high, and shall not encroach upon the required parking area. Additional parking requirements shall be required for the outdoor use. (Building/Structure Base square footage and outdoor use = Total square footage for Parking Requirement.)

[Ordinance No. 9492 - 11/20/90]

[Ordinance No. 9518 - 2/12/91]

[Ordinance No. 9815 - 12/15/92]

In the case of nurseries, florist greenhouses and garden centers, outdoor storage shall be permitted and screened by a sight obscuring fence, a minimum of six (6) feet high. Parking shall be subject to the requirements of the Traffic Engineer.

608. Minimum Yard and Landscaping Requirements; Maintenance of Visibility at Access Points; Relations of Yards to Turnout and Merging Lanes:

- (1) Yards with a minimum depth of twenty-five (25) feet shall be provided along any public street or right-of-way.

Side yards with a minimum width of ten (10) feet and rear yards of not less than twenty-five (25) feet depth shall be required where permitted use adjoins any Residential Zone.

[Ordinance No 8527 - 9/10/85]

- (2) The minimum lot area for dwellings shall be seven-thousand-five-hundred (7,500) square feet, plus two-thousand (2,000) square feet for each dwelling unit over one (1). This minimum lot area shall be in addition to the area required for the commercial use and its parking and loading area.
- (3) Other than as provided above, no other front, rear, or side yards are required, but where buildings are separated, the distance between them shall be at least ten (10) feet.
- (4) No structure, landscaping, fences, terraces, or other natural or artificial features adjacent to any street shall be of a nature impairing visibility from or of approaching vehicular traffic where such visibility is important to safety, nor shall such features in any way create potential hazards to pedestrians. In particular, at

~~Artificial~~

~~Artificial~~

(ARTICLE V, Zone Regulations, continued...)

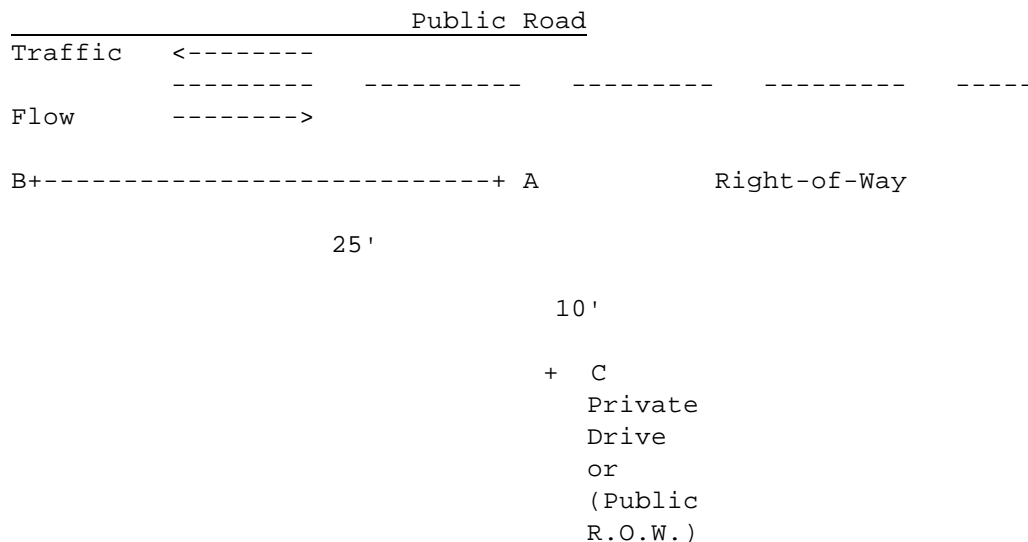
vehicular entrances and exits, no off-street parking, landscaping, or other material impediment to visibility between the heights of three (3) feet and eight (8) feet shall be permitted within a triangular area bounded by imaginary lines connecting three (3) points as described and illustrated below:

Point A At the intersection of any public right-of-way with another right-of-way, either public or private drive, the point of intersection nearest approaching traffic.

Point B Beginning at Point A, proceeding along the boundary line of the public right-of-way toward the direction of oncoming traffic for a distance of twenty-five (25) feet to a second point: Point B.

Point C Beginning at Point A, proceeding along a line perpendicular to the public right-of-way and generally along the edge of the private driveway (or public right-of-way) toward the interior of the lot for a distance of ten (10) feet to a third point: Point C.

Example:



[Ordinance No. 9077 - 11/22/88]

- (5) Along major public streets, turn-out lanes, and merging lanes may be required to be constructed on the lot, with length and width as appropriate to the flow of traffic, and traffic separation devices may be required at such entrances and exits and along such entrances and exits and along such merging lanes. Whether required by the traffic engineer or provided voluntarily, such turn-out and merging lanes may be included as part of the required yard adjacent to the

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public collector or arterial street. Any disagreement regarding requirements for turn-out and merging lanes may be appealed to the Board of Zoning Appeals.

609. Maximum Height of Structure: No building or structure except radio, television, telephone and microwave towers (See Article VIII, Section 107) shall exceed two and one-half stories or 35 feet in height, except that a building or structure may exceed these height requirements provided that for every one (1) foot of additional height over 35 feet the building or structures shall be set back on (1) additional foot from all property lines.

[Ordinance No. 9791 - 9/15/92]

[Ordinance No. 9999 - 1/25/94]

610. Minimum Off-Street Parking and Loading Space Requirements: Off-street parking within any C-2 Convenience Commercial Zone shall be provided on the same lot or a lot adjacent to the structure or use in accordance with the following requirements:

- (1) For hospitals there shall be one (1) parking space for every three (3) beds.
- (2) For funeral homes, undertaking establishments, churches, schools, and theaters, there shall be one (1) space for every three (3) seats in the facility's largest chapel or auditorium.
- (3) For offices, banks, and out-patient clinics of one (1) or two (2) stories; there shall be five (5) parking spaces/1000 square feet of gross leasable floor area.

For offices, banks, and out-patient clinics of three (3) or more stories, there shall be four (4) parking spaces/1000 square feet of gross leasable floor area.

[Ordinance No. 8946 - 5/17/88]

- (4) For restaurants, delicatessens and other such eating establishments, there shall be one (1) parking space for every three (3) seats.
- (5) Principal parking requirements for retail uses in the C-2 Commercial Zone will be 4 spaces/1,000 square feet of gross leasable space for all buildings or commercial centers of less than 25,000 square feet.

[Ordinance No. 8097 - 1/25/83]

For buildings/center over 25,000 square feet of gross leasable space in the C-2 Commercial Zone, the requirements will be 5 spaces/1,000 square feet. Parking spaces are not required for detached warehouse facilities which are attendant to the principal commercial use.

(ARTICLE V, Zone Regulations, continued...)

- (6) Handicapped parking shall meet the current ADA standards.
[Ordinance No. 8097 - 1/25/83]
[Ordinance No. 10060 - 6/21/94]
- (7) There shall be two (2) parking spaces for each dwelling unit, in addition to the parking and loading spaces required for other uses.
- (8) There shall be one (1) loading space for every ten thousand (10,000) square feet of floor area used for commercial purposes. Such loading space shall be in accordance with the standards of and approved by the City Traffic Engineer. Off-street loading facilities shall be provided which do not require the use of required off-street parking space during hours when establishments in the zone are open for business.
- (9) All off-street parking and loading space shall be subject to review and approval by the City Traffic Engineer prior to issuance of building permits and shall be so located, improved, illuminated, operated, and maintained as to provide safe and convenient circulation on the premises from adjacent streets, and to minimize potential frictions with adjoining residential property.
- (10) For business operations which involve a combination of uses such as warehousing and wholesaling along with retailing or other permitted uses, total required parking may be determined by measuring the amount of floor space within the business structure that is devoted to each separate use and calculating the need based upon the specific parking requirements as set forth for the various uses in this section and elsewhere in this ordinance. Parking requirements calculated in this manner shall be subject to review and approval by the City of Chattanooga Traffic Engineer prior to issuance of any building or occupancy permit.

~~Amended~~

700. C-3 CENTRAL BUSINESS ZONE

701. Intent: It is the intent of the C-3 Central Business Zone to promote and sustain the development of a maximum efficient density and diversity of commercial, governmental, and service enterprises to serve as a center for the business and cultural interests of the greater Chattanooga area.

702. Principal Uses Permitted: The following uses and structures shall be permitted in the C-3 Central Business Zone:

(1) Retail, wholesale, and service operations,

(2) Governmental agencies and buildings,

(3) Entertainment and cultural operations,

(4) Offices,

[Ordinance No. 9492 - 11/20/90]

(5) Dwelling units, multifamily units and townhouses only, excluding factory manufactured mobile homes constructed as a single self-contained unit and mounted on a single chassis.

[Ordinance No. 9661 - 01/21/92]

In general, any lawful use except as otherwise limited or prohibited in these regulations.

703. Uses Permitted as Special Permit by the Board of Zoning Appeals:

(1) Adult-oriented establishments as defined and restricted in Article VIII of these regulations.

(2) Day care centers.

[Ordinance No. 8397 - 11/27/80]

704. Uses Permitted as Special Exceptions by the City Council, as authorized by T.C.A. 57-3-208 and Chattanooga City Code, Part II, Sections 5-101 through 5-126.

(1) Liquor stores,

(2) Wineries, including vineyards, processing, bottling and sales facilities.

[Ordinance No. 7686 - 6/24/80]

[Ordinance No. 9077 - 11/22/88]

[Ordinance No. 10023 - 3/22/94]

~~Amended~~

(ARTICLE V, Zone Regulations, continued...)

705. Permitted Accessory Uses and Structures: The following accessory uses and structures may be permitted in any approved C-3 Central Business Zone:

Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures, as stated and restricted above, and which do not involve operations or structures not in keeping with the intent of this section or with the character of the zone, or likely (as constructed, operated, or maintained) to have an adverse effect on the character of areas surrounding the zone.

706. Prohibited Uses and Structures: The following uses and structures are found to be not in keeping with the intent of the C-3 Central Business Zone and are therefore specifically prohibited within any approved C-3 Central Business Zone:

- (1) Cemeteries,
- (2) Blast furnaces, boiler works, coal screening and sieving plants, contractor plants, and storage yards, forge plants, foundries, junk yard, machine shops, ore reduction, planing mills, rock crushers, sawmills, smelting, stockyard, stone mills, or quarries.

707. Access to Sites and Buildings: Vehicular access to sites and buildings within the C-3 Central Business Zone may be permitted from any public street or alleyway after review and approval by the Traffic Engineer. Pedestrian access may be permitted at any location at the discretion of the property holder.

708. Minimum Yard and Landscaping Requirements; Maintenance of Visibility at Access Points; Relation of Yards to Turnout and Merging Lane:

- (1) There are no minimum front yard requirements except that service station buildings shall have a front yard of not less than thirty (30) feet.

A side yard of not less than ten (10) feet shall be provided where a permitted use adjoins a residential zone.

There shall be a rear yard of not less than twenty-five (25) feet where the permitted use adjoins a residential zone or an M-1 Zone.

Other than as provided above, no additional front, rear, or side yards are required, but where buildings are separated, the distance between them shall be at least ten (10) feet.

- (2) No structure, landscaping, fences, terraces, or other natural or artificial features adjacent to any street shall be of a nature

impairing visibility from or of approaching vehicular traffic where such visibility is important to safety nor shall such feature in any way create potential hazards to pedestrians. For the purpose of this section, the building commission shall request the review and approval by the traffic engineer of any plan for construction before the issuance of a building permit.

- (3) Along major public streets, turn-out lanes and merging lanes may be required to be constructed on the lot with length and width as appropriate to the flow of traffic, and traffic separation devices may be required at such entrances and exits along such merging lanes. Whether required by the traffic engineer or provided voluntarily, such turn-out and merging lanes may be included as part of any required yard adjacent to the public major street or collector. Disagreements concerning required turn-out and merging lanes may be appealed to the Board of Zoning Appeals.

709. Minimum Height of Structure: In no case shall the height of any building or structure except radio, television, telephone and microwave towers (see Article VIII, Section 107), exceed the shortest distance from such structure to the nearest boundary of any Residential or R-4 Zone.

[Ordinance 9492 - 11/20/90]

[Ordinance 9999 - 1/25/94]

710. Minimum Off-Street Parking and Loading Space Requirements:

- (1) There shall be no requirement for the provision of off-street parking within the C-3 Central Business Zone.
- (2) Off-street loading facilities shall be provided which do not require the blockage of public thoroughfares during loading operations.
- (3) All off-street loading space and parking space, if provided, shall be subject to review and approval by the City Traffic Engineer and shall be so located, improved, illuminated, operated, and maintained as to provide safe and convenient circulation on the premises from adjacent streets and to minimize potential frictions with adjoining residential property.

(ARTICLE V, Zone Regulations, continued...)

800. C-4 PLANNED COMMERCE CENTER ZONE

801. Definition: Planned Commerce Center -- A development intended to serve the diverse needs of an entire community or region which is generally planned and constructed as a unit and providing a variety of goods and services in stores and offices conveniently arranged with respect to one another and to off-street parking facilities provided with safe access to and from appropriate public streets.

802. Intent: It is the intent of this section to promote flexibility and diversity in the development and maintenance of planned commerce centers which are complementary and appropriate to the surrounding neighborhood and in keeping with the General Plan of the community, and subject to such other conditions and safeguards as may be established to assure, insofar as possible, that the development will protect and enhance the value of surrounding property in addition to fulfilling a public need of the community or region.

803. Location: C-4 Planned Commerce Center Zones shall be permitted only where adequate frontage is available for ingress and egress utilizing major streets as designated in the official General Plan-1990, Chattanooga- Hamilton County, Tennessee, as amended, or any such successive plan.

804. Principal Uses Permitted: The following principal uses and structures may be permitted in any C-4 Planned Commerce Center Zone:

- (1) Department stores; supermarkets; drug stores, bakeries; meat markets; delicatessens; hardware; paint; and wallpaper stores; camera shops; florist shops; gift shops; hobby shops; stationery stores; apparel stores; shoe stores; variety stores; jewelry stores; stores for sale of gardening supplies and equipment; radio and TV stores; music stores; pet stores subject to all health and humane regulations of the government;
- (2) Eating and drinking establishments;
- (3) Barber shops; beauty shops; cleaning and laundry services without major processing on the premises and establishments with coin-operated equipment for laundry and dry cleaning; shoe repair shops; repair establishments for household articles and appliances; service stations and small tune-up shops;
[Ordinance No. 10025 - 3/22/94]
- (4) Offices, studios, medical and dental clinics, banking facilities;
- (5) Hotels, motels; and other transient accommodations;

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- (6) Multifamily dwellings and townhouses, excluding factory manufactured mobile homes constructed as a single self-contained unit and mounted on a single chassis; provided, however, that all permanent residential uses shall be located on upper floors or otherwise separated from areas of principal commercial activity; that separate and exclusive pedestrian entrances and exits for permanent residents shall be provided other than those (or in addition to those) used for access to the principal commercial area, and provided that separate and exclusive parking areas for use by permanent residents shall be maintained as outlined in Section 812 of this Article V.

[Ordinance No. 9661 - 1/21/92]

- (7) Home Occupations.

- (8) Theaters, bowling alleys, and other indoor entertainment and cultural facilities.

- (9) Warehousing and wholesaling operations, provided that such uses shall be ancillary to permitted retail sales and service operations within the Planned Commerce Center and provided that space devoted to such warehousing and wholesaling uses shall not comprise more than twenty-five (25) percent of total space within the center.

- (10) In general, all stores or shops for the conduct of a retail business are permitted unless otherwise prohibited by these regulations or other laws and ordinances.

- (11) Day care centers, except that such uses shall require a special permit from the Board of Appeals under the terms of Article VIII of this ordinance.

[Ordinance No. 8397 11/27/84]

- (12) Miniature golf courses and similar outdoor amusement facilities, except that such shall require a Special Exception Permit from the Board of Appeals as specified in Article VIII of these regulations.

[Ordinance No. 8945 - 5/17/88]

805. Uses Permitted as Special Exceptions by the City Council: Liquor stores, subject to the approval of the City Council for each proposed liquor store as authorized by T.C.A. 57-3-208 and Sections 5-67 through 5-111, Part II, Chattanooga City Code.

[Ordinance No. 7686 6/24/80]

806. Permitted Accessory Uses and Structures: The following accessory uses and structures may be permitted in any approved C-4 Planned Commerce Center Zone; Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures, as stated and restricted above, and which do not involve operations or

(ARTICLE V, Zone Regulations, continued...)

structures not in keeping with the character of the planned commerce center, or likely (as located, constructed, operated, or maintained) to have an adverse effect on the character of areas surrounding the shopping center. It is specifically provided that garbage and trash, unless kept in principal buildings, shall be kept in accessory structures, and that neither the containers nor loose garbage or trash shall be visible from residential areas, from portions of the premises customarily open to customer parking or customer, pedestrian or automotive traffic, or from public ways.

807. Prohibited Uses and Structures: The following uses and structures are specifically prohibited in any approved C-4 Planned Commerce Center Zone:

- (1) The production or manufacture of goods other than those intended for sale at retail on the premises.
- (2) In general, any use or structure not of a nature permitted under "Principal Uses Permitted" and "Permitted Accessory Uses and Structures" above.

808. Special Sign Limitations: Signs not relating to identification of premises and occupants, or to products sold or services rendered on the premises are prohibited.

809. Minimum Zone Dimensions: The zone shall be of such size, shape, and location as to enable development of well-organized commercial and residential facilities with proper access, ingress, egress, off-street parking and loading space, and other requirements.

810. Minimum Yard and Landscaping Requirements; Maintenance of Visibility at Access Points; Relations of Yards to Turnout and Merging Lanes:

- (1) Yards with a minimum depth of twenty-five (25) feet shall be provided along any public street or right-of-way.

Side yards with a minimum width of ten (10) feet and rear yards of not less than twenty-five (25) feet depth shall be required where permitted use adjoins any Residential Zone.

[Ordinance No. 8527 - 9/10/85]

[Ordinance No. 9492 - 11/20/90]

- (2) Other than as provided above, no other front, rear, or side yards are required, but where buildings are separated, the distance between them shall be at least ten (10) feet.
- (3) No structure, landscaping, fences, terraces, or other natural or artificial features adjacent to any street shall be of a nature impairing visibility from or of approaching vehicular traffic where such visibility is important to safety, nor shall such features in

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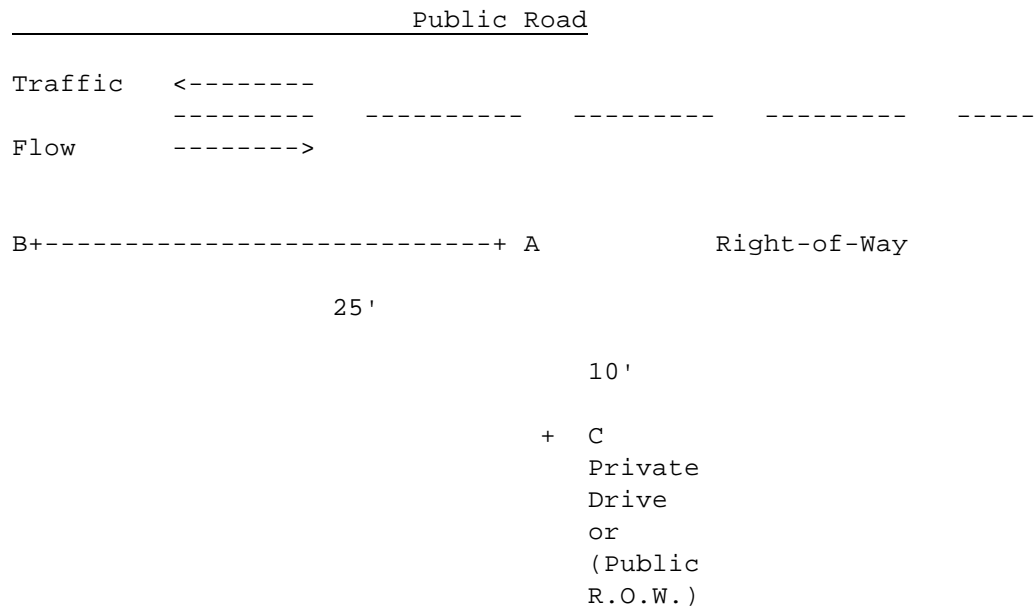
any way create potential hazards to pedestrians. In particular, at vehicular entrances and exits, no off-street parking, landscaping, or other material impediment to visibility between the heights of three (3) feet and eight (8) feet shall be permitted within a triangular area bounded by imaginary lines connecting three (3) points as described and illustrated below:

Point A At the intersection of any public right-of-way with another right-of-way, either public or private drive, the point of intersection nearest approaching traffic.

Point B Beginning at Point A, proceeding along the boundary line of the public right-of-way toward the direction of oncoming traffic for a distance of twenty-five (25) feet to a second point: Point B.

Point C Beginning at Point A, proceeding along a line perpendicular to the public right-of-way and generally along the edge of the private driveway (or public right-of-way) toward the interior of the lot for a distance of ten (10) feet to a third point: Point C.

Example:



[Ordinance No. 9077 - 11/22/88]

- (4) Along major public streets, turn-out lanes and merging lanes may be required to be constructed on the lot, with length and width as appropriate to the flow of traffic, and traffic separation devices

(ARTICLE V, Zone Regulations, continued...)

may be required at such entrances and exits and along such merging lanes. Whether required by the traffic engineer or provided voluntarily, such turn-out and merging lanes may be appealed to the Board of Zoning Appeals.

811. Maximum, Height of Structure: No building or structure except radio, television, telephone and microwave towers (See Article VIII, Section 107), shall exceed two and one-half stories or 35 feet in height, except that a building or structure may exceed these height requirements provided that for every one (1) foot of additional height over 35 feet the building or structures shall be set back one (1) additional foot from all property lines.

[Ordinance No. 9791 - 9/15/92]

[Ordinance No. 9999 - 2/35/94]

812. Minimum Off-Street Parking and Loading Space Requirements: Off-street parking within any C-4 Planned Commerce Center Zone shall be provided on the same lot or a lot adjacent to the structure or use in accordance with the following requirements:

- (1) For hotels, apartments and all other facilities for permanent or transient accommodations, parking shall be provided at a rate of one point five (1.5) spaces for each unit or guest room and such space is to be reserved specifically for such uses.
- (2) For auditoriums, theaters, and similar uses, there shall be one (1) parking space for every three (3) seats in such facilities.
- (3) For offices, banks, and other such uses of a strictly service nature of one (1) or two (2) stories, there shall be five (5) parking spaces/1000 square feet of gross leasable floor area.

For offices, banks, and other such uses of a strictly service nature of three (3) or more stories, there shall be four (4) parking spaces/1000 square feet of gross leasable floor area.

[Ordinance No. 8946 -5/17/88]

- (4) For restaurants, delicatessens and other such eating establishments, there shall be one (1) parking space for every three (3) seats.
- (5) For warehousing and wholesaling operations, and for space within retail operations devoted to such uses, parking shall be provided at a rate of one (1) space per employee, on the largest shift, and (1) off-street loading space shall be provided per ten-thousand (10,000) square feet of floor space or fraction thereof.

~~Amended~~

- (6) Principal parking requirements for retail uses in the C-4 Commercial Zone will be 4 spaces/1,000 square feet of gross leasable space for all buildings or commercial centers of less than 25,000 square feet.
[Ordinance No. 8097 - 1/25/83]

For buildings/centers over 25,000 square feet of gross leasable space in the C-4 Commercial Zone, the requirements will be 4 spaces/1,000 square feet.

Parking spaces are not required for detached warehouse facilities which are attendant to the principal commercial use.

- (7) Handicapped parking shall meet the current ADA standards.
[Ordinance No. 8097 - 1/25/83]
[Ordinance No. 10060 - 6/21/94]
- (8) There shall be one (1) loading space for every ten thousand (10,000) square feet of floor area used for commercial purposes. Such loading spaces shall be in accordance with the standards of and approved by the City Traffic Engineer. Off-street loading facilities shall be provided which do not require the use of required off-street parking spaces during hours when establishments in the zone are open for business.
- (9) All off-street parking and loading space shall be subject to review and approval by the City Traffic Engineer prior to issuance of building permits and shall be so located, improved, illuminated, operated, and maintained as to provide safe and convenient circulation on the premises and to and from adjacent streets, and to minimize potential frictions with adjoining residential property.

~~Amended~~

~~Amended~~

(ARTICLE V, Zone Regulations, continued...)

900. C-5 NEIGHBORHOOD COMMERCIAL ZONE

901. Intent: It is the intent of the C-5 Neighborhood Commercial Zone to promote, protect, and sustain the vitality of a neighborhood by allowing the development and maintenance of small commercial and service enterprises which are both compatible with and complementary to residential properties within the immediate vicinity. Furthermore, it is the intent of the section that all businesses located within a C-5 Neighborhood Commercial Zone shall be for retail sales, services, or otherwise of such nature as to be a benefit or convenience to a majority of neighborhood residents.

902. Location: Neighborhood Commercial Zones shall be located so as to primarily serve traffic on major streets or collectors streets, and all businesses developed within such zones shall be situated on site so as to offer convenient ingress and egress to such streets. For the purpose of these regulations, the terms "major street" and "collector street" shall be taken to mean any street identified as such in the General Plan-1990, Chattanooga-Hamilton County, Tennessee, as amended, or any such successive plan.

903. Principal Uses Permitted: The following principal uses and structures may be permitted in any C-5 Neighborhood Commercial Zone.

- (1) Convenience grocery stores, drug stores, bakeries, meat and fish markets, delicatessens, hardware, stationery stores, shoe stores, gift and specialty stores, store for sales of gardening supplies and equipment, music stores.
- (2) Barber shops, beauty shops, cleaning and laundry establishments (including coin operations), shoe repair shops, repair establishments for household articles and appliances.
- (3) Offices, studios, medical and dental clinics, banking facilities.
- (4) Day care centers, except that such uses shall require a special permit from the Board of Appeals under the terms of Article VIII of this ordinance.

[Ordinance No. 8397- 11/2/78]

904. Permitted Accessory Uses and Structures: The following accessory uses and structures may be permitted in any approved C-5 Neighborhood Commercial Zone:

Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures, as stated and restricted above, and which do not involve operations or structures not in keeping with the

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~~Advisory~~

intent of this section or with the character of the zone, or likely (as constructed, operated, or maintained) to have an adverse effect on the character of area surrounding the zone.

905. Prohibited Uses and Structures: The following uses and structures are found to be not in keeping with the intent of the Neighborhood Commercial Zone and are therefore specifically prohibited within any approved C-5 Neighborhood Commercial Zone:

- (1) Outdoor sales, service or display;
- (2) The playing of music or making of announcements directly or through mechanical or electronic devices in a manner audible at any residential lot line;
- (3) The sale of beer, wine, and similar alcoholic beverages for consumption on the premises;
- (4) Adult-oriented establishments;
- (5) Theaters, skating rinks, dance halls, billiard rooms, or other businesses, or uses devoted primarily to entertainment;
- (6) Liquor stores;
- (7) In general, any use or structure not of a nature permitted under "Principal Uses Permitted" and "Permitted Accessory Uses and Structures" above.

906. Special Sign Limitations:

- (1) Signs not relating to identification of premises within this district or to occupants or products sold or services rendered on the premises are prohibited.
- (2) Signs utilizing flashing lights and/or moving parts are prohibited.
- (3) Signs totaling more than one hundred (100) square feet in surface area or signs and other advertising matter mounted in windows or otherwise visible from outside the premises totaling more than forty (40) square feet per business enterprises are prohibited.

907. Access to Site: Principal vehicular access shall be permitted only from major or collector streets except by special review and approval by the Board of Zoning Appeals where unusual circumstances make principal access ways from minor streets practicable without adverse effects on property along such minor streets. Pedestrian access may be permitted at any location on the site.

~~Advisory~~

908. Minimum Yard and Landscaping Requirements; Maintenance of Visibility at Access Points; Relation of Yards to Turnout and Merging Lanes:

- (1) Yards with a minimum depth of twenty-five (25) feet shall be provided along any public street or right-of-way and along any property line abutting developed residential property or an established residential zone.

Other than as provided above, no other front, rear, or side yards are required, but where buildings are separated, the distance between them shall be at least ten (10) feet.

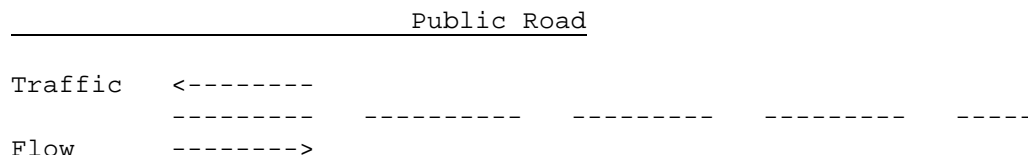
- (2) No structure, landscaping, fences, terraces, or other natural or artificial features adjacent to any street shall be of a nature impairing visibility from or of approaching vehicular traffic where such visibility is important to safety, nor shall such features in any way create potential hazards to pedestrians. In particular, at vehicular entrances and exits, no off-street parking, landscaping, or other material impediment to visibility between the heights of three (3) feet and eight (8) feet shall be permitted within a triangular area bounded by imaginary lines connecting three (3) points as described and illustrated below:

Point A At the intersection of any public right-of-way with another right-of-way, either public or private drive, the point of intersection nearest approaching traffic.

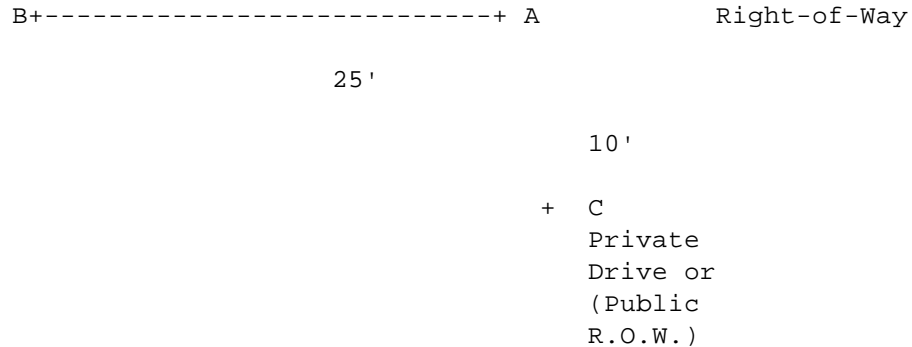
Point B Beginning at Point A, proceeding along the boundary line of the public right-of-way toward the direction of oncoming traffic for a distance of twenty-five (25) feet to a second point: Point B.

Point C Beginning at Point A, proceeding along a line perpendicular to the public right-of-way and generally along the edge of the private driveway (or public right-of-way) toward the interior of the lot for a distance of ten (10) feet to a third point: Point C.

Example:



~~Arterial~~



[Ordinance No. 9077 - 11/22/88]

- (3) Along collector and arterial public streets, turn-out lanes and merging lanes may be required to be constructed on the lot, with length and width as appropriate to the flow of traffic and traffic separation devices may be required at such entrances and exits and along merging lanes. Whether required or provided voluntarily, such turn-out merging lanes may be included as part of the required yard adjacent to the public collector or arterial street. Disagreement regarding required turnout or merging lanes can be appealed to the Board of Zoning Appeals.

909. Maximum Height of Structures: No structure shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height.

910. Minimum Off-Street Parking and Loading Space Requirements:

- (1) Principal parking requirements for retail uses in the C-5 Commercial Zone will be 4 spaces/1,000 square feet of gross leasable space for all buildings or commercial centers of less than 25,000 square feet.

[Ordinance No. 8097 - 1/25/83]

For buildings/centers over 25,000 square feet of gross leasable space in the C-5 Commercial Zone, the requirements will be 5 spaces/1,000 square feet.

Parking spaces are not required for detached warehouse facilities which are attendant to the principal commercial use.

- (2) For offices, banks, and other such uses of a strictly service nature of one (1) or two (2) stories, there shall be five (5) parking spaces/1000 square feet of gross leasable floor area.

[Ordinance No. 8946 - 5/17/88]

~~Arterial~~

(ARTICLE V, Zone Regulations, continued...)

- (3) Off-street loading facilities shall be provided which do not require the use of required off-street parking space during hours when establishments in the zone are open for business.
- (4) All off-street parking and loading space shall be subject to review and approval by the City Traffic Engineer and shall be so located, improved, illuminated, operated, and maintained as to provide safe and convenient circulation on the premises and to and from adjacent streets, and to minimize potential frictions with adjoining residential property.
- (5) Handicapped parking shall meet the current ADA standards.
 - [Ordinance No. 8097 - 1/25/83]
 - [Ordinance No. 10060 - 6/21/94]

~~Amended~~

920. C-6 COMMERCIAL ZONE

921. Intent: It is the intent of the C-6 Commercial Zone to promote the development of certain low traffic generating office and commercial uses in those areas where it would not be in the best interest of the public safety and welfare to permit uses which generate a high volume of traffic.

922. Location: C-6 Commercial Zones shall be located so as to primarily serve traffic on major streets, or collector streets, and all uses developed within such zones shall be situated on site so as to offer convenient and safe ingress and egress to said streets. For the purpose of these regulations, the term "major street" and "collector street" shall be taken to mean any street identified as such in the General Plan-1990, Chattanooga-Hamilton County, Tennessee, as amended, or any successive plan.

923. Principal Permitted Uses:

- (1) Office Buildings,
- (2) Professional, medical or dental offices and clinics, laboratories and research centers not objectionable because of odor, dust, noise or vibration,
- (3) Plumbing and electrical shops, radio and T.V. shops, appliance repair shops, and similar workshop type uses provided that not more than five (5) repair persons are employed therein,
- (4) Barber shops, beauty shops, cleaning and laundry establishments (including coin operations), shoe repair shops, repair establishments for household articles and appliances,
- (5) Orthopedic equipment sales and fitting,
- (6) Radio, television and motion picture productions studios, photo studios, excluding transmission towers. Transmission towers shall require a special permit under the terms of Article VIII.
[Ordinance No. 9492 - 11/20/90]
- (7) Billboards and signs,
- (8) Furniture and appliance sales,
- (9) Monument sales,
- (10) Nurseries,

~~Amended~~

~~Amended~~

(ARTICLE V, Zone Regulations, continued...)

- (11) Carpet sales, outlets,
- (12) Museums and galleries,
- (13) Catering service,
- (14) Related warehousing when secondary use,
- (15) Musical instrument sales,
- (16) Hardware and building supply store,
- (17) Day care centers and kindergartens by special permit from the Board of Appeals.

924. Uses Permitted as Special Exceptions by the Board of Appeals:

- (1) Small animal hospitals and veterinary offices,
- (2) Day care centers.

925. Permitted Accessory Uses and Structures: The following accessory uses and structures may be permitted in any approved C-6 Commercial Zone:

Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures, as stated and restricted above, and which do not involve operations or structures not in keeping with the intent of this section or with the character of the zone, or likely (as constructed, operated, or maintained) to have an adverse effect on the character of area surrounding the zone.

926. Prohibited Uses: The following uses are considered not to be in keeping with the intent of the C-6 Low Intensity Traffic Commercial Zone and are, therefore, specifically prohibited within any approved C-6 Zones:

- (1) Department stores,
- (2) Grocery stores or supermarkets,
- (3) Drug stores,
- (4) Restaurants or generally any establishments which sell food for on or off premise consumption with the exception of a catering service,
- (5) Adult-oriented establishments,

~~Amended~~

- (6) Liquor stores or any establishment which sells alcoholic beverages,
- (7) Theaters, bowling alleys, skating rinks, miniature golf courses or any other commercial recreational facility,
- (8) Banks,
- (9) Automobile service stations or garages,
- (10) Funeral homes, mortuaries or any similar operation,
- (11) Hospitals,
- (12) In general, any use not of a nature similar to those listed in Section 923, Principal Permitted Uses.

927. Minimum Yard and Landscaping Requirements; Maintenance of Visibility at Access Points; Relations of Yards to Turnout and Merging Lanes:

- (1) Yards with a minimum depth of twenty-five (25) feet shall be provided along any public street or right-of-way.

Side yards with a minimum width of ten (10) feet and rear yards of not less than twenty-five (25) feet depth shall be required where a permitted use adjoins any Residential Zone.

- (2) Other than as provided above, no other front, rear, or side yards are required, but where buildings are separated, the distance between them shall be at least ten (10) feet.
- (3) No structure, landscaping, fences, terraces, or other natural or artificial features adjacent to any street shall be of a nature impairing visibility from or of approaching vehicular traffic where such visibility is important to safety, nor shall such features in any way create potential hazards to pedestrians. In particular, at vehicular entrances and exits, no off-street parking, landscaping, or other material impediment to visibility between the heights of three (3) feet and eight (8) feet shall be permitted within a triangular area bounded by imaginary lines connecting three (3) points as described and illustrated below:

Point A At the intersection of any public right-of-way with another right-of-way, either public or private drive, the point of intersection nearest approaching traffic.

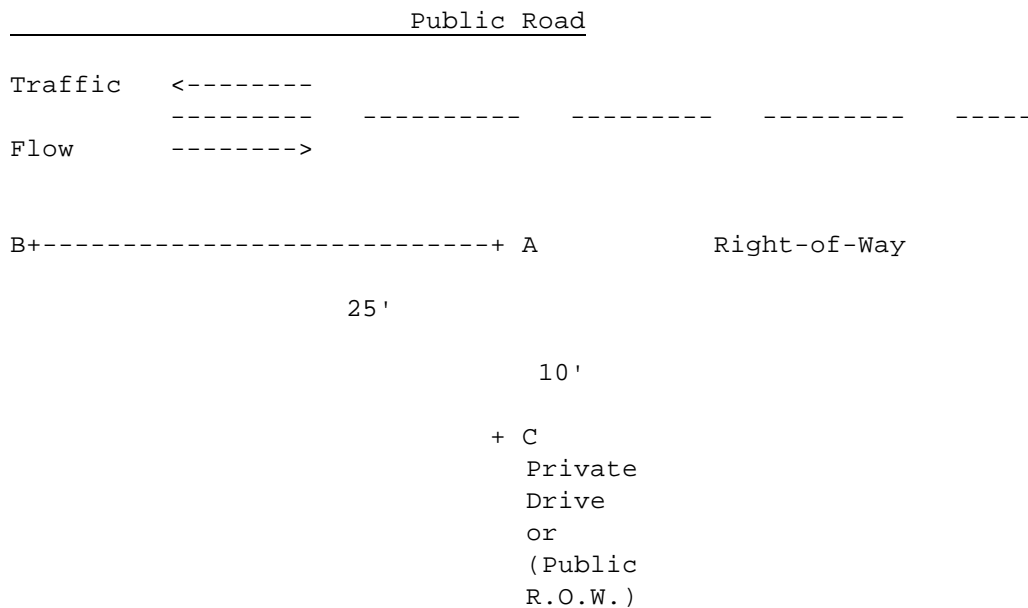
~~Amended~~

(ARTICLE V, Zone Regulations, continued...)

Point B Beginning at Point A, proceeding along the boundary line of the public right-of-way toward the direction of oncoming traffic for a distance of twenty-five (25) feet to a second point: Point B.

Point C Beginning at Point A, proceeding along a line perpendicular to the public right-of-way and generally along the edge of the private driveway (or public right-of-way) toward the interior of the lot for a distance of ten (10) feet to a third point: Point C.

Example:



[Ordinance No. 9077 - 11/22/88]

- (4) Along major public streets, turn-out lanes, and merging lanes may be required to be constructed on the lot, with length and width as appropriate to the flow of traffic, and traffic separation devices may be required at such entrances and exits and along such merging lanes. Whether required by the traffic engineer or provided voluntarily, such turn-out and merging lanes may be included as part of the required yard adjacent to the public collector or arterial street. Any disagreement regarding requirements for turn-out and merging lanes may be appealed to the Board of Appeals.

928. Maximum Height of Structures: No building or structure except radio, television, telephone and microwave towers (See Article VIII, Section

[C-6]

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~~Amended~~

107)), shall exceed two and one-half stories or 35 feet in height, except that a building or structure may exceed these height requirements provided that for every one (1) foot of additional height over 35 feet the building or structures shall be set back one (1) additional foot from all property lines.

[Ordinance No. 9791 - 9/15/92]

[Ordinance No. 9999 - 1/25/94]

929. Minimum Off-Street Parking and Loading Space Requirements: Off-street parking within any C-6 Commercial Zone shall be provided on the same lot or a lot adjacent to the structure of use in accordance with the following requirements:

(1) For all permitted uses there shall be 2.5 parking spaces for every one thousand (1,000) square feet of building area. Parking spaces are not required for detached warehouse facilities which are attendant to the principal commercial use.

(2) For offices, banks, and other such uses of a strictly service nature of one (1) or two (2) stories, there shall be five (5) parking spaces/1000 square feet of gross leasable floor area.

For offices, banks, and other such uses of a strictly service nature of three (3) or more stories, there shall be four (4) parking spaces/1000 square feet of gross leasable floor area.

[Ordinance No. 8946 - 5/17/88]

(3) There shall be one (1) loading space for every ten thousand (10,000) square feet of floor area used for commercial purposes.

Such loading space shall be in accordance with the standards of and approved by the City Traffic Engineer. Off-street loading facilities shall be provided which do not require the use of required off-street parking space during hours when establishments in the zone are open for business.

(4) All off-street parking and loading space shall be subject to review and approval by the City Traffic Engineer prior to issuance of building permits and shall be so located, improved, illuminated, operated, and maintained as to provide safe and convenient circulation on the premises from adjacent streets, and to minimize potential frictions with adjoining residential property.

(5) Handicapped parking shall meet the current ADA standards.

[Ordinance No. 10060 - 6/21/94]

~~Amended~~

(ARTICLE V, Zone Regulations, continued...)

1000. M-1 MANUFACTURING ZONE

1001. Use Regulations:

- (1) The following uses shall be PROHIBITED:
 - Dwellings, except watchman's house
 - Cemeteries
- (2) The following uses shall be located at least one thousand (1,000) feet from the nearest boundary of the R-4 Special Zone, or any Residential Zone:
 - Blast furnace
 - Boiler works
 - Coal screening and sieving plants
 - Forge plants
 - Foundries
 - Junk yards
 - Ore reduction
 - Planing mills
 - Processing of fish, poultry and meat
 - Rock crushers
 - Rolling mills
 - Sawmills
 - Smelting
 - Stockyards
 - Stone mills or quarries
 - [Ordinance No. 9344 - 3/20/90]
 - [Ordinance No. 9492 - 11/20/90]
- (3) Contractor's plants and storage yards shall be permitted subject to the screening provisions of the M-2 Zone.
 - [Ordinance No. 9344 - 3/20/90]
 - [Ordinance No. 9492 - 11/20/90]
- (3.01) Recycling Processing Centers for materials to be recycled and used in new products provided that:
 - (a) All processing such as compacting, shredding, or bailing shall be within an enclosed building;
 - (b) All outdoor storage shall be concealed from view, beyond the limits of the property, by fencing or natural screening; or
 - (c) Any other storage shall be within an enclosed building; and
 - (d) No salvaging of parts or dismantling will be permitted.
 - [Ordinance No. 10035 - 4/26/94]
- (4) Any other lawful use shall be permitted anywhere in the zone,

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except that liquor stores shall be permitted only subject to approval of the City Council for each proposed liquor store as authorized by T.C.A. 57-3-108 and Sections 5-101 through 5-126, Part II, Chattanooga City Code, and

[Ordinance No. 9077 - 11/22/88]

except that open air markets shall be permitted only subject to the approval of a special permit by the Board of Zoning Appeals under terms of Article VIII, and

except that day care centers shall be permitted as an on-site, accessory use to any permitted use, subject to the issuance of a Special Permit by the Board of Appeals in accordance with Article VIII, of this Ordinance.

[Ordinance No. 9077 - 11/22/88]

except that Commercial Hazardous Waste Management Facilities or Commercial Medical Waste Management Facilities shall also be subject to the provisions of Article XV of this ordinance.

[Ordinance No. 9875 - 5/11/93]

except that adult-oriented establishments, as defined and restricted by Article VIII, shall be subject to the issuance of a Special Permit by the Board of Zoning Appeals in accordance with the requirements of Article VIII.

[Ordinance No. 9987 - 12/21/93]

except that wineries, including vineyards, processing, bottling and sales facilities shall be permitted only subject to approval of the City Council by Special Exceptions Permit.

[Ordinance No. 10023 - 3/22/94]

- (5) Any use shall comply with all currently adopted codes of the City of Chattanooga (Federal, State, or local) with regard to fire and explosive hazards, smoke, dust, fly ash, fumes, or odor.

[Ordinance No. 9077 - 11/22/88]

1002. Height and Area Regulations:

- (1) No building shall exceed thirty-five (35) feet in height except that a building may exceed thirty-five (35) feet in height provided either that for every foot of additional height over thirty-five (35) feet the building shall be set back one (1) additional foot from all property lines; or that if any point on the exterior surface of the building is above thirty-five (35) feet in height, the vertical projection of such point upon the ground shall not be nearer to any property line than a

(ARTICLE V, Zone Regulations, continued...)

horizontal distance equal to the height of such point above the ground.

- (2) There is no minimum building site area.
- (3) There shall be a front yard of not less than twenty-five (25) feet.
- (4) There shall be a side yard of not less than twenty-five (25) feet when side yard adjoins residential zone.
- (5) There shall be a rear yard of not less than twenty-five (25) feet where the rear yard adjoins a residential zone.
- (6) Other than as provided above, no other front, rear or side yards are required, but where buildings are separated, the distance between them shall be at least ten (10) feet.

[Ordinance No. 8527 - 9/10/85]

1003. Off-Street Parking Regulations: Off-street parking shall be provided on the same lot as or a lot adjacent to the building in accordance with the following:

- (1) There shall be one (1) auto parking space for every two (2) workers on the combined two (2) largest successive shifts.
- (2) One (1) off-street loading space per 10,000 square feet of floor space or fraction thereof used for industrial or commercial purposes, such space to be approved by the City Traffic Engineer.
- (3) For retail commercial uses the parking and loading requirements shall be the same as for the C-2 Convenience Commercial Zone.
- (4) For offices, banks, and other such uses of a strictly service nature of one (1) or two (2) stories, there shall be five (5) parking spaces/1000 square feet of gross leasable floor area.

For offices, banks, and other such uses of a strictly service nature of three (3) or more stories, there shall be four (4) parking spaces/1000 square feet of gross leasable floor area.

[Ordinance No. 8946 - 5/17/88]

- (5) Handicapped parking shall meet the current ADA standards.

[Ordinance No. 10060 - 6/21/94]

~~Appendix~~

1004. Screening from Residential Zones: Any industrial use shall be screened on all side yard and rear yard lot lines adjoining a residential use or zone by one of the methods given below, as selected by the owner.

[Ordinance No. 10397 - 4/2/96]

(1) A greenbelt planting strip, not less than fifteen (15) feet in width. Such greenbelt shall be composed of at least:

.... One row of deciduous and evergreen trees, spaced not more than fifteen (15) feet apart, at least eight (8) feet tall, and with a minimum trunk diameter of one and one-half (1-1/2) inches at planting, and

.... One row of shrubs, with a ratio of two deciduous to one evergreen shrub, spaced an average of five (5) feet apart.

Such shrubs shall be a minimum of thirty (30) inches in height at planting and expected to grow to a height of eight (8) feet in 3 or 4 full growing seasons; or

[Ordinance No. 9492 - 11/20/90]

(2) Natural vegetation can be retained if it meets the intent of this section, or supplemented to meet the intent of this section; or

(3) A sight obscuring screen (either solid or veil block, or some form of fence that is at least 50% opaque and at least six (6) feet high).

[Ordinance No. 9492 - 11/20/90]

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(ARTICLE V, Zone Regulations, continued...)

| | | | |
|-----------|-------|------------|------|
| 1010. M-2 | LIGHT | INDUSTRIAL | ZONE |
|-----------|-------|------------|------|

1011. Use Regulations:

(1) The following uses are PERMITTED:

Apparel and other finished fabric manufacturers
Blueprint and related shops
Cabinet making or woodworking shops
Cold storage plants
Contractor's plants and storage
Electrical machinery, tools, equipment, and supplies
assembly
Food and food products, packaging and distribution
Furniture and household goods manufacture
Gas metering and control stations
Greenhouses (Wholesale only)
Jewelry, silverware, and plated ware manufacture
Laboratories: research, testing and medical
Lumber yards
Microwave stations, including towers
Musical instruments and parts manufacture
Offices
Photographic and optical goods production
Printing and publishing services, except small commercial
photocopy shops and other similar operations
Professional, scientific, and controlling instrument
manufacture
Re-packaging
Rug cleaning plants
Sheet metal fabrication, welding shops, and similar uses
Textile production
Utility and public service uses
Warehousing
Wholesaling
Wholesale produce markets

No retail sales or other commercial use unless directly
related to one of the permitted uses of this section.

[Ordinance No. 6717 - 1/29/74]

[Ordinance No. 8935 - 4/19/88]

[Ordinance No. 9492 - 11/20/90]

[Ordinance No. 10506 - 11/19/96]

(2) Any similar use comparable in character, type, or effect on the
surrounding area to the above uses.

(3) The following uses are PROHIBITED:

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Blast furnaces
Boiler works
Chemical and allied products manufacture
Coal screening and sieving plants
Commercial excavation of construction materials
Distillation of bones and/or fat rendering
Dumping and disposal of garbage, sewage, or refuse
Fabricated metal products manufacture except as provided
in Section 1011 subsection (1) above
[Ordinance No. 9492 - 11/20/90]
Ferrous and non-ferrous metal foundries
Ferrous and non-ferrous metal rolling and finishing mills
Forge plants
Junk yards
Mining and related activities
Ore reduction; including rock, sand and gravel
Paper and allied products manufacture
Planing mills
Plastic, synthetic resins, synthetic rubbers and other
man-made fiber production
Refining of petroleum and/or its products
Residential, except temporary quarters for watchmen
Sawmills
Smelting
Stockyards or slaughter houses
Tank farms for petroleum and related products

- (4) Any similar use comparable in character, type or effect on the surrounding area to the above uses.
- (5) Any use shall comply with all currently adopted codes of the City of Chattanooga (Federal, State, or local) with regard to fire and explosive hazards, smoke, dust, fly ash, fumes, or odor.
[Ordinance. No. 9077 - 11/22/88]

1012. Height and Area Regulations:

- (1) No building shall exceed thirty-five (35) feet in height except that a building may exceed thirty-five (35) feet in height provided either that for every foot of additional height over thirty-five (35) feet the building shall be set back one (1) additional foot from all property lines; or that if any point on the exterior surface of the building is above thirty-five (35) feet in height, the vertical projection of such point upon the ground shall not be nearer to any property line than a horizontal distance equal to the height of such point above the ground.

(ARTICLE V, Zone Regulations, continued...)

- (2) There is no minimum building site area.
- (3) There shall be a front yard of not less than 25 feet.
- (4) There shall be a side yard of not less than 25 feet where the side yard adjoins a residential zone.
[Ordinance No. 8527 - 9/10/85]
- (5) There shall be a rear yard of not less than 25 feet where the rear yard adjoins a residential zone.
- (6) No site shall be covered with building to an extent greater than 50 percent of the area of said site.
- (7) Other than as provided above, no other front, rear or side yards are required, but where buildings are separated, the distance between them shall be at least 10 feet.
[Ordinance No. 8527 - 9/10/85]

1013. Off-street Parking Regulations:

- (1) One (1) auto parking space for each person employed on the largest shift.
- (2) For offices of one (1) or two (2) stories, there shall be five (5) parking spaces/1000 square feet of gross leasable floor area.

For offices of three (3) or more stories, there shall be four (4) parking spaces/1000 square feet of gross leasable floor area.
[Ordinance No. 8946 - 5/17/88]
- (3) For retail and commercial uses the parking and loading requirement shall be the same as for the C-2 Convenience Commercial Zone.
[Ordinance No. 8527 - 9/10/85]
- (4) One (1) off-street loading space per 10,000 square feet of floor space or fraction thereof used for industrial or commercial purposes, such space to be approved by the City Traffic Engineer.
- (5) No parking or drives shall be permitted in required side yards joining a residential zone.
- (6) No parking shall be permitted in required front yards joining a residential zone.
- (7) Truck doors or loading docks fronting on a street shall be not less than 75 feet from said street.

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~~Amended~~

- (8) Handicapped parking shall meet the current ADA standards.
[Ordinance No. 10060 - 6/21/94]

1014. General Provisions:

- (1) No free-standing sign shall be permitted within ten (10) feet of a residential zone.
- (2) Signs illuminated by exposed tubes, bulbs or similar exposed light sources shall be prohibited.
- (3) Exterior spot lighting or other illumination of structures shall be directed away from adjoining residential zones.
- (4) No storage shall be permitted in required front, side, or rear yards.
- (5) Any industrial use shall be screened on all side yard and rear yard lot lines adjoining a residential use or zone by one (1) of the methods given below, as selected by the owner.

[Ordinance No. 10397 - 4/2/96]

- a. A greenbelt planting strip, not less than fifteen (15) feet in width. Such greenbelt shall be composed of at least:

.... One row of deciduous and evergreen trees, spaced not more than fifteen (15) feet apart, at least eight (8) feet tall, and with a minimum trunk diameter of one and one-half (1-1/2) inches at planting, and

.... One row of shrubs, with a ratio of two deciduous to one evergreen shrub, spaced an average of five (5) feet apart. Such shrubs shall be a minimum of thirty (30) inches in height at planting and expected to grow to a height of eight (8) feet in 3 or 4 full growing seasons; or

- b. Natural vegetation can be retained if it meets the intent of this section, or supplemented to meet the intent of this section; or
- c. A sight obscuring screen (either solid or veil block, or some form of fence that is at least 50% opaque and at least six (6) feet high).

[M-2]

(ARTICLE V, Zone Regulations, continued...)

1020. M-3 WAREHOUSE AND WHOLESALE ZONE

1021. Use Regulations:

- (1) The following uses shall be PERMITTED:

Offices
Re-packaging
Retail sales when directly related to one of the
permitted uses of this section
Warehousing
Wholesaling
[Ordinance No. 10506 - 11/19/96]

- (2) Any use shall comply with all currently adopted codes of the City of Chattanooga (Federal, State, or local) with regard to fire and explosive hazards, smoke, dust, fly ash, fumes, or odor.
[Ordinance No. 9077 - 11/22/88]

1022. Height and Area Regulations:

- (1) No building shall exceed thirty-five (35) feet in height except that a building may exceed thirty-five (35) feet in height provided either that for every foot of additional height over thirty-five (35) feet the building shall be set back one (1) additional foot from all property lines; or that if any point on the exterior surface of the building is above thirty-five (35) feet in height, the vertical projection of such point upon the ground shall not be nearer to any property line than a horizontal distance equal to the height of such point above the ground.
- (2) For offices of one (1) or two (2) stories, there shall be five (5) parking spaces/1000 square feet of gross leasable floor area.

For offices of three (3) or more stories, there shall be four (4) parking spaces/1000 square feet of gross leasable floor area.
[Ordinance No. 8946 - 5/17/88]
- (3) There shall be a front yard of not less than twenty-five (25) feet.
- (4) There shall be a side yard of not less than twenty-five (25) feet where side yard adjoins a residential zone.
[Ordinance No. 8527 - 9/10/85]
- (5) There shall be a rear yard of not less than twenty-five (25) feet where the rear yard adjoins a residential zone.

~~Amended~~

- (6) No site shall be covered with building to an extent greater than sixty-five percent (65%) of the area of said site.
- (7) Other than as provided above, no other front, rear, or side yards are required, but where buildings are separated, the distance between them shall be at least ten (10) feet.
[Ordinance No. 8527 - 9/10/85]

1023. Off-street Parking Regulations: Off-street parking shall be provided on the same lot as, or a lot adjacent to the building in accordance with the following:

- (1) One (1) auto parking space for each person employed on the largest shift.
- (2) For offices of one (1) or two (2) stories, there shall be five (5) parking spaces/1000 square feet of gross leasable floor area.

For offices of three (3) or more stories, there shall be four (4) parking spaces/1000 square feet of gross leasable floor area.
[Ordinance No. 8946 - 5/17/88]
- (3) For retail and commercial uses the parking and loading requirement shall be the same as for the C-2 Convenience Commercial Zone.
[Ordinance No. 8527 - 9/10/85]
- (4) One (1) off-street loading space per 10,000 square feet of floor space or fraction thereof used for industrial or commercial purposes, such space to be approved by the City Traffic Engineer.
- (5) No parking or drives shall be permitted within ten (10) feet of a residential zone.
- (6) Truck doors or loading docks fronting on a street shall be not less than seventy-five (75) feet from said street.
- (7) Handicapped parking shall meet the current ADA standards.
[Ordinance No. 10060 - 6/21/94]

1024. General Provisions:

- (1) No materials, supplies, or equipment excepting trucks and passenger autos shall be stored in any area on the lot, except inside a closed building.
- (2) The total area of identifying signs shall not exceed 100 square feet.

~~Amended~~

(ARTICLE V, Zone Regulations, continued...)

- (3) No free-standing sign shall be permitted within 10 feet of a residential zone.
- (4) Directional signs shall be permitted for customer convenience, not exceeding two (2) square feet.
- (5) Signs illuminated by exposed tubes, bulbs or similar exposed light sources shall be prohibited.
- (6) Exterior spot lighting or other illumination of structures shall be directed away from adjoining residential zones.
- (7) Any industrial use shall be screened on all side yard and rear yard lot lines adjoining a residential use or zone by one (1) of the methods given below, as selected by the owner.

[Ordinance No. 10397 - 4/2/96]

- a. A greenbelt planting strip, not less than fifteen (15) feet in width. Such greenbelt shall be composed of at least:

- ... One row of deciduous and evergreen trees, spaced not more than fifteen (15) feet apart, at least eight (8) feet tall, and with a minimum trunk diameter of one and one-half (1½) inches at planting, and

- ... One row of shrubs, with a ratio of two deciduous to one evergreen shrub, spaced an average of five (5) feet apart. Such shrubs shall be a minimum of thirty (30) inches in height at planting and expected to grow to a height of (8) feet in three (3) or four (4) full growing seasons; or

- b. Natural vegetation can be retained if it meets the intent of this section, or supplemented to meet the intent of this section; or

- c. A sight obscuring screen (either solid or veil block, or some form of fence that is at least fifty percent (50%) opaque and at least six (6) feet high).

[Ordinance No. 6717 - 1/29/74]

~~Amended~~

1100. F/W FLOODWAY ZONE

1101. Purpose: The Floodway Zone is established for the purpose of maintaining the capability of the Tennessee River (Nickajack Lake), its tributaries, and their adjacent lands to drain flood waters; for the purpose of protecting the river, creek channels, streams, and flood plains from encroachment, so that flood heights and flood damage will not be increased; to provide necessary regulations for the protection of the public health and safety; and to reduce the financial burdens imposed upon the community by floods and the inundation of land.

1102. Permitted Uses: Any lawful use permitted in the various zoning zones shall also be permitted in the portions of such zoning zones lying within the Floodway Zone subject to all applicable height, yard area, setback, off-street parking or other regulations applicable in such zone; provided, however, that no fill, structure, development, encroachment or substantial improvements shall be permitted within the Floodway Zone.

~~Amended~~

(ARTICLE V, Zone Regulations, continued...)

1120. F/H FLOOD HAZARD ZONE REGULATIONS

The flood hazard zone includes all areas covered by the Floodway Zone plus all areas of special flood hazard as set forth and identified as such by the Federal Emergency Management Agency in its most recent floodway maps and Flood Insurance Rate Maps (FIRM) for the community, all property which is considered to be below the elevation of the "High Water Stage" for the Tennessee River and its tributaries and any are included or added by Tennessee Valley Authority study unless certification and documentation by a registered professional engineer or architect is provided demonstrating to the satisfaction of the Chief Building Official that a certain property in question is actually above the "High Water Stage." Such certification and documentation shall be filed and maintained as part of the permanent record.

Regardless of the elevation, if the site is located within the Special Flood Hazard Area on the Flood Insurance Rate Map (FIRM), insurance will still be required as a condition of a loan unless an official Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR) is obtained from FEMA. Procedures for obtaining LOMA/LOMR's are available from the Chief Building Official.

[Ordinance No. 9244 - 9/19/89]

[Ordinance No. 9741 - 6/23/92]

1121. Permitted Uses: Any lawful use permitted in the various zoning zones shall also be permitted in the portions of such zoning zones underlying the Flood Hazard Zone subject to all applicable height, yard area, setback off-street parking, or other regulations applicable in such zones; provided, however, that the following provisions for flood hazard reduction shall apply.

1122. General Standards for Flood Hazard Reduction: In all areas of special flood hazard the following provisions are required:

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (3) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- (4) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the

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system in accordance with regulations of the Tennessee Department of Health.

- (5) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters in accordance with regulations of the Tennessee Department of Health. Sewers and manholes constructed below the 100-Year elevation shall be water tight. All manholes shall be constructed so that the manhole covers are not below the High Water Stage.
- (6) On-site waste disposal systems shall not be allowed.
- (7) Any alteration, repair, reconstruction, or improvements to a building on which the start of construction was begun after the effective date of these regulations, shall meet the requirements of "new construction" as contained in these regulations.
- (8) Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (9) For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

[Ordinance No. 8760 - 3/3/87]

- (10) Commercial Hazardous waste processing and storage facilities shall not be allowed.

[Ordinance No. 9674 - 2/18/92]

(ARTICLE V, Zone Regulations, continued...)

1123. Specific Standards: In all areas of special flood hazard where base flood elevation data has been determined, the following specific provisions are required as determined by the intended land use.

1124. Residential Construction: New construction or substantial improvement of any residential building, except as provided in Sections 104, 126, 156, 204, 305, 404, 415, 424, 511, 611, 711, 813, 911 and 930, shall have the lowest floor, including basement, elevated to two (2) feet above base flood elevation if constructed of wood or one (1) foot above base flood elevation if constructed of concrete or other material not subject to damage by flood waters, and the minimum building site must be at or above the base flood elevation.

1125. Non-Residential Construction: New construction or substantial improvement of any commercial, industrial, or other non-residential building shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, be flood-proofed so that below the base flood level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification and the specific elevation (in relation to mean sea level) to which such structures are flood proofed shall be provided to the Chief Building Inspector.

[Ordinance No. 8760 - 3/3/87]

1125.1 Elevated Buildings:

(a) Access to the enclosed area shall be the minimum necessary to allow parking or vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and

(b) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

[Ordinance No. 9741 - 6/23/92]

1126. Standards For Manufactured Homes and Recreational Vehicles:

(1) All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, or in substantially improved manufactured home parks or subdivisions, must meet all the requirements for new construction, including elevation and anchoring.

[F/H]

- (2) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:
- (a) The lowest floor of the manufactured homes is elevated no lower than two (2) feet above the level of the base flood elevation, or
 - (b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above grade.
 - (c) The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.

In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, any manufactured home placed or substantially improved must meet the standards of subsection (2) (a) and (c) above.

- (3) All recreational vehicles placed on sites must either:
- (a) Be fully licensed and ready for highway use, or
 - (b) The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of Article V, Section 1126, Subsections (1) or (2)(a)(c) above.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached structures.

[Ordinance 9492 - 11/20/90]

[Ordinance 9741 - 6/23/92]

1127. Standards for Subdivision Proposals: All subdivision proposals shall be consistent with the need to minimize flood damage. All subdivision proposals shall have the public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(ARTICLE V, Zone Regulations, continued...)

All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards. Base flood elevation data shall be provided for subdivision proposals and other proposed development which is greater than the lesser of fifty (50) lots or five (5) acres.

1128. Establishment of Development Permit: A Development Permit shall be required to assure that all development takes place in conformance with the provisions of these regulations. No building or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this section of these and other applicable regulations. These regulations are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where these regulations and others conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

1129. Interpretation: In the interpretation and application of these regulations, all provisions shall be:

- (a) Considered as minimum requirements.
- (b) Liberally construed in favor of the governing body.
- (c) Deemed neither to limit nor repeal any other powers granted under state statutes.

1130. Penalties for Violation: Any person who violates these regulations or fails to comply with any of these requirements shall, upon conviction thereof, be punished as provided in Article XII, Section 100, of these regulations, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Chattanooga, Tennessee, from taking such other lawful action as is necessary to prevent or remedy any violation.

1131. Designation of Chief Building Official: The Chief Building Official is hereby appointed to administer and implement the provisions of these regulations.

1132. Duties and Responsibilities of the Chief Building Official: Duties of the Chief Building Official shall include, but not be limited to:

- (1) Review all development permits to assure that the permit requirements of these regulations have been satisfied.
- (2) Advise permittee that additional federal or state permits may be required, and if specific, federal or state permits are known, require that copies of such permits be provided and maintained on file with the development permit.

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- (3) Notify adjacent communities and the Tennessee State Planning Office prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- (5) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved buildings.
- (6) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved buildings have been flood-proofed.
- (7) When flood-proofing is utilized for a particular building, the Chief Building Official shall obtain certification from a registered professional engineer or architect.
- (8) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Chief Building Official shall make necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
- (9) When base flood elevation and Floodway data has not been provided, then the Chief Building Official shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer the provisions of this ordinance.
[Ordinance No. 8760 - 3/3/87]
- (10) All records pertaining to the provisions of these regulations shall be maintained in the office of the Chief Building Official and shall be open for public inspection.

1133. Permit Procedures: Application for a building development permit shall be made to the Chief Building Official on forms furnished by him and may include, but not be limited to, the following:

Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials; drainage

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(ARTICLE V, Zone Regulations, continued...)

facilities, and the location of the foregoing. Specifically, the following information is required:

- (1) Elevation in relation to mean sea level of the lowest floor (including basement) of all buildings.
- (2) Elevation in relation to mean sea level to which any non-residential building has been flood-proofed.
- (3) A certificate from a registered professional engineer or architect that the non-residential flood-proofed building meets the flood-proofing criteria.
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

1134. Variance Procedures: The City Council, as established by these regulations, shall hear and decide appeals and requests for variances from the requirements of this section.

The City Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Chief Building Official in the enforcement or administration of these regulations.

Any person aggrieved by the decision of the City Council, or any taxpayer, may appeal such decision to a court of competent jurisdiction.

Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of these regulations.

In passing upon applications which relate to areas of special flood hazard, the City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of these regulations, and:

- (1) The danger that materials may be swept onto other lands to the injury of others.
- (2) The danger of life and property due to flooding or erosion damage.
- (3) The susceptibility of the proposed facility and its content flood damage and the effect of such damage on the individual owner.

~~Appendix~~

- (4) The importance of the services provided by the proposed facility to the community.
- (5) The necessity to the facility of a waterfront location, where applicable.
- (6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
- (7) The compatibility of the proposed use with existing and anticipated development.
- (8) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area.
- (9) The safety of access to the property in time of flood for ordinary and emergency vehicles.
- (10) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.
- (11) The cost of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases beyond the one-half (½) acre, the technical justification required for issuing the variance increases.

Upon consideration of the factors listed above and the purposes of these regulations, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of these regulations.

Variances shall not be issued within the Floodway Zone if any increase in flood levels during the base flood discharge would result.

1135. Conditions for Variances: Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. Variances shall only be issued upon:

- (1) A showing of good and sufficient cause.

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(ARTICLE V, Zone Regulations, continued...)

- (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant.
- (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or regulations.

Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the building is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest flood elevation.

The Chief Building Official shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

[Ordinance No. 7712 - 8/12/80]

~~Amended~~

1200. PUD:R Planned Unit Development: Residential

[Ordinance No. 9492 - 11/20/90]

1201. Purpose: The purpose of the Planned Unit Development (sometimes hereinafter referred to as PUD) is to provide the opportunities to create more desirable environments through the application of flexible and diversified land development standards under a comprehensive plan and program professionally prepared. The Planned Unit Development is intended to be used to encourage the application of new techniques and technology to community arrangements with lasting values. It is further intended to achieve economies in land development, maintenance, street systems, and utility networks while providing building groupings for privacy, usable and attractive open spaces, safe circulation, and the general well-being of the inhabitants.

[Ordinance No. 6075 - 7/15/69]

1202. A PUD may be located in any residential zone, the R-4 Special Zone and in commercial zones in which dwellings are permitted.

[Ordinance No. 10322 - 10/24/95]

1203. Permitted Uses in all PUD's:

- (1) Single-family dwellings, excluding factory manufactured mobile homes constructed as a single self-contained unit and mounted on a single chassis.

[Ordinance No. 9661 - 1/21/92]

- (2) Two-family dwellings;
- (3) Townhouses;
- (4) Multi-family dwellings;
- (5) Schools;
- (6) Parks, playgrounds, and community buildings;
- (7) Golf courses, except driving ranges, miniature courses, "Par 3" courses, and other similar commercial operations;
- (8) Fire halls and other public buildings;
- (9) Churches;
- (10) Accessory uses and buildings customarily incident and subordinate to the above.

1204. Height and Area Regulations:

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(ARTICLE V, Zone Regulations, continued...)

- (1) No building shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height, except that a building may exceed these height regulations provided that for every one (1) foot of additional height over thirty-five (35) feet, the building shall be set back one (1) additional foot from all property and/or building lot lines.
- (2) The minimum development site for a PUD shall be two (2) acres.
[Ordinance No. 7592 - 12/18/79]
[Ordinance No. 10322 - 10/24/95]
- (3) No free-standing building shall be closer to any other free-standing building than ten (10) feet and no closer than twenty-five (25) feet to the exterior property line.
[Ordinance No. 10322 - 10/24/95]

1205. Off-street Parking Regulations: Off-street parking shall be provided on a site adjacent to the building in accordance with the following requirements:

- (1) For townhouse, duplexes, and single-family dwellings two (2) parking spaces are required. Units with four (4) bedrooms or more shall be required to have three (3) parking spaces.
- (2) For multi-family dwellings 1.25 parking spaces for every dwelling unit. Units with two (2) or more bedrooms shall be required to have 1.75 parking spaces per dwelling unit.
- (3) There shall be at least one (1) space for every three (3) seats in the main auditorium of churches and other public buildings.
- (4) Parking spaces for parks, playgrounds, and community buildings in the development may be required according to the design of the Planned Unit Development.

1206. General Provisions:

- (1) A PUD will be shown on the zoning map when the Final PUD Plan has been approved by the City Council and recorded in the Office of the County Register.
- (2) In addition, a PUD to be located in an R-3 or R-4 zone shall be:
 - (a) located along, or within five hundred (500) feet of a major street of at least collector status as shown on Major Street Plan as adopted by the Planning Commission, provided

[PUD:R]

~~Amended~~

access to said street is approved by the City Traffic Engineer; and

- (b) located and situated to be in accord with the General Plan and the Transportation Plan.
[Ordinance No. 10322 - 10/24/95]

1207. Development Standards:

- (1) All lots shall have a building area above High Water Stage.
- (2) Streets may be at an elevation equal to one (1) foot below flood level.

1208. Site Improvements:

- (1) All dedicated public streets and all streets, roads, rights-of-way or access easements serving lots to be sold shall be constructed in accordance with the Chattanooga Subdivision Regulations on rights-of-way having a minimum width as required by the Chattanooga Subdivision Regulations.
- (2) When lots are to be sold, all physical improvements required by the Chattanooga Subdivision Regulations including water lines, drainage improvements, etc., shall be installed.
- (3) There shall be constructed sidewalks, or an equivalent paved internal pedestrian circulation system. The minimum width of such sidewalks shall be five (5) feet.
- (4) Curbs and gutters shall be constructed in accordance with standard plans and specifications furnished to the City Engineer.
- (5) Storm drainage structures shall be constructed in accordance with standard plans and specifications furnished by the City Engineer.
- (6) Fire hydrants in a location approved by the Chattanooga Fire Department.
- (7) Where public sanitary sewers are available, a sanitary sewer system approved by the State of Tennessee shall be installed. Where public sanitary sewers are not available, the method of sewage disposal must be approved by the Chattanooga-Hamilton County Health Department.

[Ordinance No. 10136 - 11/29/94]

1209. Permitted Density:

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(ARTICLE V, Zone Regulations, continued...)

- (1) The maximum number of dwelling units in a PUD to be located in an R-1 Residential Zone shall be computed by multiplying the gross acreage to be developed by five (5), excluding any area to be developed as a church or school.
- (2) The maximum number of dwelling units of a PUD to be located in R-3, R-4, or any commercial zone in which dwellings are permitted shall be computed by multiplying the gross acreage to be developed by 24, excluding any area to be developed as a church or school.
- (3) The maximum number of dwelling units of a PUD to be located in all other residential zones shall be computed by multiplying the gross acreage to be developed by 8, excluding any area to be developed as a church or school.
- (4) Where zone boundaries for two (2) or more residential zones divide one (1) tract of land proposed for a PUD, the maximum number of dwelling units shall be computed by multiplying the gross acreage within each zone by the densities given above, and adding the numbers for the whole tract. The allowed maximum number of dwelling units may be located anywhere within the tract, in accordance with the regulations of this ordinance.

[Ordinance No. 10322 - 10/24/95]

1210. Open Space Requirements:

- (1) On-site usable recreation and open space shall be provided. Such area shall be set aside for open space or recreation purposes only. It is intended to serve the residents of the PUD, and should, therefore, be easily accessible to them. If the PUD is to be of individually owned units, then this space shall be maintained in common ownership, established in the appropriate legal manner.
- (2) Said open space shall be maintained in one of the following methods:
 - (a) by the developer or management authority of the PUD;
 - (b) by a Home Owner's Association established by deed restrictions;
 - (c) by the City of Chattanooga upon approval of the dedication of the City, as public open space.

1211. Staging:

[PUD:R]

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~~Amended~~

- (1) The applicant may elect to develop the site in successive stages in a manner indicated in the Planned Unit Development Plan; however, each such stage shall be substantially complete within itself.
- (2) The Planning Commission may recommend that the City Council require that development be done in stages if public facilities are not adequate to service the entire development initially.

1212. Changes and Modifications:

- (1) Major changes in the Planned Unit Development after it has been adopted shall be considered the same as a new petition and shall be made in accordance with the procedures specified in this Section.
- (2) Minor changes in the Planned Unit Development Plan may be approved by the Planning Commission staff. A minor change is any change that is not found in the following list of major changes:
 - (a) any increase in density;
 - (b) any change in the outside (exterior) boundaries;
 - (c) any significant change in land use classification;
 - (d) any significant change in the location or amount of land devoted to a specific land use;
 - (e) any significant change in the exterior appearance from what is shown on any plans submitted or presented by the developer.
- (3) All changes to the PUD Plan, minor or major, shall be recorded.
[Ordinance No. 9492 - 11/20/90]
[Ordinance No. 10322 - 10/24/95]

1213. Application Procedure for Planned Unit Development:

- (1) To obtain a Special Exceptions Permit to develop a Planned Unit Development, the developer shall submit a Preliminary Planned Unit Development Plan to the Chattanooga-Hamilton County Regional Planning Commission for its review and recommendation to the City Council of the City of Chattanooga. The Preliminary PUD Plan shall be drawn at a minimum scale of one inch equals one hundred feet (1" = 100'), and shall:

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(ARTICLE V, Zone Regulations, continued...)

- (a) define the location, size, accessibility, and existing zoning of the proposed site;
 - (b) indicate the surrounding type of development and land use;
 - (c) set forth the type of development proposed, the density of the proposed development, and the location of all structures, parking areas, and open space;
 - (d) show a plan for streets, thoroughfares, public utilities, school, and other public or community uses.
 - (e) In addition to the above, the Planning Commission or City Council may require such other additional information as may be determined necessary to adequately review the proposed development.
- (2) The Planning Commission shall hold a public hearing on the proposed Preliminary PUD Plan. Notice and publication of such public hearing shall conform to the procedures prescribed in Article XI of this ordinance.
- (3) Upon the recommendation for approval, approval with conditions, or disapproval by the Planning Commission, the Preliminary PUD Plan shall be submitted to the City Council for consideration; public hearing and action.

The recommendation of the Planning Commission shall be accompanied by a report stating the reasons for the approval or disapproval of the Preliminary PUD Plan, with specific reference to, but not limited to, the following conditions:

- (a) The property adjacent to the area included in the plan will not be adversely affected;
- (b) The plan is consistent with the intent and purpose of this ordinance to promote public health, safety, morals, and general welfare.
- (c) That the building shall be used only for single-family dwellings, two-family dwellings, or multi-family dwellings, and the usual accessory uses such as private or storage garages, storage space, and for community activities, including school and/or churches.
[Ordinance No. 7728 - 9/16/80]
- (d) There is a need for such development in the proposed location.

[PUD:R]

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~~Amended~~

- (e) There is a reasonable assurance that development will proceed according to the spirit and letter of the approved plans.
- (4) No Preliminary PUD shall be approved by the City Council unless it is first submitted to the Planning Commission.
- (5) The resolution by the City Council approving the Preliminary and Final PUD Plan shall have attached thereto, as an exhibit, the official PUD Plan.

[Ordinance No. 7876 - 7/21/81]

- (6) Upon approval or approval with conditions of the Preliminary PUD Plan by the City Council by resolution, the developer may then complete a Final PUD Plan for review by the staff of the Chattanooga-Hamilton County Regional Planning Commission. At the discretion of the developer, the PUD Plan may be submitted as a Preliminary and Final together. The Plan will follow the same review procedure as for a preliminary plan except that the plan shall be in final form with all necessary information on the plan required for final review. The plan may then be approved as a final with only one (1) submittal for action by the City Council.

The Final PUD Plan if submitted separately and after approval of a Preliminary PUD Plan shall substantially conform to the Preliminary PUD Plan and shall include all of the items as may be required according to the procedures adopted and published by the Chattanooga-Hamilton County Regional Planning Commission.

When a Final PUD Plan is approved or approved with conditions by the staff of the Chattanooga-Hamilton County Regional Planning Commission, it shall be submitted to the City Council.

After notice and publication as provided in Article XI, Section 101, the City Council shall hold a public hearing to review the Final PUD Plan and to take legislative action.

Final legislative action on a change on zoning in conjunction with a PUD Plan is contingent on a favorable review of the Final PUD Plan by the City Council.

The Council, by resolution, may approve or approve with conditions, the Final PUD Plan and authorize the issuance of a Special Exceptions Permit based on this Plan. A copy of the Final PUD Plan shall be attached to the resolution as an exhibit.

[Ordinance No. 10322 - 10/24/95]

- (7) Approval of the Preliminary PUD Plan shall expire twenty-four (24) months from and after its approval by the City Council if

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(ARTICLE V, Zone Regulations, continued...)

the Final PUD Plan has not been submitted to the Planning Commission staff.

Submittal of a Final PUD Plan shall constitute an automatic permanent extension of the Preliminary PUD Plan; or if the Preliminary PUD Plan expires prior to submittal of a Final PUD Plan, the City Council may grant an extension for an additional period not to exceed one (1) year upon condition that no major changes have been made to the Plan as originally approved, and provided that no other reason or circumstance, as determined by the Planning Commission staff, warrants resubmittal to the Planning Commission.

Any major change to the Preliminary PUD Plan shall require resubmittal to the Planning Commission for review and recommendation.

- (8) Any Special Exceptions Permit issued on the basis of a Final PUD Plan or Preliminary and Final PUD Plan together shall expire twenty-four (24) months from and after its approval if said Plan has not been recorded in the Office of the County Register. If the Special Exceptions Permit expires prior to recording of the Final PUD Plan or Preliminary and Final PUD Plan, the City Council may grant an extension for an additional period not to exceed one (1) year.
- [Ordinance No. 10322 - 10/24/95]

- (9) A Special Exceptions Permit may be revoked by the City Council upon written report by the Chief Building Official that the PUD is not being constructed in conformance with the Plan as recorded.

If the Special Exceptions Permit shall expire or is revoked by resolution of the City Council, no other building permit shall be issued for any construction whatsoever upon the land area covered by the PUD Plan until a decision is made by the City Council as to whether such land area, or any part thereof, shall be rezoned; and if the decision is that it should be rezoned, then no building permit shall be issued until such rezoning is finally effectuated by ordinance.

If the Special Exceptions Permit is revoked, the Chief Building Official shall have the responsibility for notifying the staff of the Planning Commission. The Building Official, after having given said notice, may thereafter upon proper application issue building permits for construction upon said land area consistent with the then prevailing or existing zoning on such land.

[Ordinance No. 10322 - 10/24/95]

[PUD:R]

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~~Amended~~

- (10) No building permit shall be granted until after issuance of the Special Exceptions Permit and the recording of the Final PUD Plan in the Office of the County Register. There shall be no start of construction prior to recording of the Final PUD Plan. The Chief Building Official shall revoke any building permit issued in reliance upon said Plan, as finally approved, at such time as it reasonably appears that such Plan is not being complied with; and notice thereof shall be given to the staff of the Chattanooga-Hamilton County Regional Planning Commission. During such time as a Final PUD Plan is in effect, no building permit for any other construction purpose not in accordance with such plan shall be issued.

[Ordinance No. 10322 - 10/24/95]

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(ARTICLE V, Zone Regulations, continued...)

1300. PUD:I Planned Unit Development: Institutional
[Ordinance No. 9492 - 11/20/90]

1301. Purpose: The purpose of the Institutional Planned Unit Development (sometimes hereinafter referred to as Institutional PUD) is to provide the opportunities to create more desirable environments through the application of flexible and diversified land development standards under a comprehensive plan and program professionally prepared. The Institutional Planned Unit Development is intended to be used to encourage the application of new techniques and technology to community development which will result in superior living or development arrangements with lasting values. It is further intended to achieve economies in land development, maintenance, street systems, and utility networks while providing building groupings for privacy, usable and attractive open spaces, safe circulation, and the general well-being of the inhabitants.

[Ordinance No. 6313 - 7/13/71]

1302. Classification: There shall be one (1) classification of an Institutional Planned Unit Development. An Institutional PUD may be located in an R-4 Special Zone.

The zoning regulations for the Institutional Planned Unit Development in the R-4 Special Zone are as follows:

1303. Permitted Uses:

- (1) College and university-owned facilities (e.g., classroom facilities, administration facilities, dormitories, sports related facilities, cafeterias, libraries, maintenance buildings, etc.)
- (2) Churches, synagogues and houses of worship, and student centers sponsored by religious organizations
- (3) Social agencies and other non-commercial public and semi-public uses
- (4) Commercial parking lots
- (5) Professional, medical, or dental offices and clinics
- (6) Laboratories and research centers
- (7) Single-, two-, and multi-family residential dwelling units, excluding factory manufactured mobile homes constructed as a single self-contained unit and mounted on a single chassis.

[Ordinance No. 9661 - 1/21/92]

[PUD:I]

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- (8) Offices
- (9) Parks and playgrounds
- (10) Professional and/or hobby clubs
- (11) Fraternity and/or sorority houses
- (12) Hospitals and nursing homes
- (13) Public, private, and parochial schools, kindergartens, and day care centers and homes
- (14) Accessory uses and buildings

1304. Area, Land Coverage, and Density of Development:

- (1) The development site for an Institutional Planned Unit Development shall be not less than five (5) acres.
- (2) The applicant shall be required to submit a Plan of Development to the City Council for approval of all uses in the Institutional Planned Unit Development.
- (3) Building coverage shall not exceed 35% of the total Planned Unit Development area (excluding public streets).
- (4) Off-street surface parking areas, parking structures, and the service drives shall not exceed 35% of the total Development Area.
- (5) No free-standing building shall be closer than fifteen (15) feet to any other free-standing building and no closer than ten (10) feet from any exterior property line, or twenty-five (25) feet from any public street.
- (6) The density of dormitories, apartment-dormitories, and married student apartments shall not exceed 50 bedrooms per acre of the entire Institutional PUD.

1305. Off-street Parking Regulations: Off-street parking spaces should be provided to meet the normal peak demands for parking. The location and number of off-street parking spaces shall be reviewed by the Traffic Engineer and the Chattanooga-Hamilton County Regional Planning Commission.

Parking spaces within the Institutional PUD may be counted for more than one use within the Institutional PUD where, in the opinion of the

~~1306.~~
~~1307.~~

(ARTICLE V, Zone Regulations, continued...)

Traffic Engineer and the Chattanooga-Hamilton County Regional Planning Commission, the demand for parking for both uses will not normally occur at the same time.

The following are recommended standards for off-street parking:

- (a) Professional Offices - One (1) parking space per three hundred (300) square feet of usable floor area
- (b) Dormitories - One (1) parking space for each four (4) beds
- (c) Medical Facilities, Hospitals, and Clinics - For offices of one (1) or two (2) stories, there shall be five (5) parking spaces/1000 square feet of gross leasable floor area.

For buildings of three (3) or more stories, there shall be four (4) parking spaces/1000 square feet of gross leasable floor area.

[Ordinance No. 8946 - 5/17/88]

- (d) Private, Public, and Parochial Schools, Kindergartens, Day Care Centers and Homes - One (1) parking space per classroom and office
- (e) Stadiums and Sports Arenas - One (1) parking space per eight (8) seats or twelve (12) feet of benches
- (f) Swimming Pools - One (1) parking space per thirty (30) square feet of water surface area
- (g) Theaters, auditoriums, and places of assembly - One (1) parking space per four (4) seats based on the design capacity of the structure

[Ordinance No. 7936 12/15/81]

- (h) College or University faculty and staff - One (1) parking space for each classroom and office
- (i) College or University students - One (1) parking space per four (4) students (not otherwise accounted for in parking spaces for dormitories and fraternity and sorority houses)
- (j) Fraternity & Sorority Houses - One (1) parking space for every three (3) beds
- (k) Single- and multi-family residential structures - One and two-tenths (1.2) parking spaces per dwelling unit.

1306. General Provisions:

[PUD:I]

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~~Amended~~

- (1) An Institutional Planned Unit Development will be shown on the zoning maps when the final Institutional PUD Plan has been approved by the City Council. An Institutional PUD will be located within an R-4 Zone, as delineated on the zoning maps of the City of Chattanooga.

[Ordinance No. 10073 - 7/26/94]

- (2) The minimum development site shall be at least five (5) acres.

1307. Development Standards: All lots shall have a building site not lower than two (2) feet below the elevation of the 100-year flood. Streets may not be at an elevation lower than two (2) feet below the elevation of the 100-year flood.

1308. Site Improvements:

- (1) All public streets shall be constructed in accordance with plans and specifications furnished by the City Engineers on a dedicated right-of-way having a minimum width of fifty (50) feet.
- (2) There shall be constructed sidewalks, or an equivalent paved internal pedestrian system. The minimum width of such sidewalks shall be six (6) feet.
- (3) Curbs and gutters shall be constructed on all public streets and permanent private drives.
- (4) Storm drainage facilities shall be constructed in accordance with standard plans and specifications furnished by the City Engineer.
- (5) Fire hydrants shall be installed in locations approved by the Chattanooga Fire Department.
- (6) A sanitary sewer system shall be installed and approved by the Chattanooga-Hamilton County Health Department and the City Engineer.
- (7) No residence or structure for human habitation shall be erected unless its first habitable floor elevation is equal to or greater than the 100-year flood level.
- (8) A bond, the amount of which to be determined by the City Engineer, may be required of the applicant to assure the construction of all planned site improvements.

1309. Open Space Requirements:

[PUD:I]

(ARTICLE V, Zone Regulations, continued...)

- (1) Usable On-site Recreation and Open Space: On-site usable recreation and open space shall be provided. Such areas shall be set aside for open space or recreation purposes only. It is intended to serve as a respite for the owners, tenants, and users of the Institutional PUD area, and should, therefore, be easily accessible to them.
- (2) Maintenance of Open Space: Said open space shall be maintained in one of the following methods:
 - (a) By the developer or management authority of the Institutional PUD.
 - (b) By the City of Chattanooga upon approval of the dedication to the City as public open space.
 - (c) By the owner of the land on which the Institutional PUD is located.

1310. Staging: The applicant may elect to develop the site in successive stages in a manner indicated in the Planned Unit Development Plan; however, each such stage shall be substantially complete within itself.

Also, the Planning Commission may recommend that the City Council require that development be done in stages if public facilities are not adequate to service the entire development initially.

1311. Changes and Modifications:

- (1) Major changes in the Institutional Planned Unit Development (after a special exceptions permit has been granted) shall be considered the same as a new petition and shall be made in accordance with the procedures specified in this section. This includes additional land as it is added to the original site.
- (2) Minor changes in the Institutional Planned Unit Development Plan may be approved by the Planning Commission staff. A minor change is any change that is not found in the following list of major changes:
 - (a) any increase in density;
 - (b) any change in the outside (exterior) boundaries;
 - (c) any significant change in land use classification;
 - (d) any significant change in the location or amount of land devoted to a specific land use;

[PUD:I]

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~~Amended~~

- (e) any significant change in the exterior appearance from what is shown on any plans submitted or presented by the developer.

[Ordinance No. 9492 - 11/20/90]

[Ordinance No. 10322 - 10/24/95]

1312. Application Procedure for Institutional Planned Unit Development:

- (1) Preliminary Planned Unit Development Plan: To obtain a Special Exceptions Permit to develop an Institutional Planned Unit Development, the developer shall submit a Preliminary Planned Unit Development Plan to the Chattanooga-Hamilton County Regional Planning Commission for its review and recommendations to the City Council of the City of Chattanooga.
- (2) No Preliminary PUD Plan shall be approved by the City Council unless it is first submitted to the Planning Commission.
[Ordinance No. 7728 - 9/16/80]
- (3) The Preliminary PUD Plan shall be drawn at a minimum scale of one inch equals one hundred feet (1"=100') and shall:
 - (a) Define the location, size, accessibility, and existing zoning of the proposed site.
 - (b) Indicate the surrounding type of development and land use.
 - (c) Show the topography of the area at 2-foot contour levels.
 - (d) Set forth the type of development proposed, the density of the proposed development, and the location of all structures, parking areas, and open space.
 - (e) Show a plan for streets, thoroughfares, public utilities, schools, and other public or community uses.
 - (f) Show the 100-year flood level, if applicable.
 - (g) Show a plan for uniform sign design and control.

In addition to the above, the Planning Commission or City Council may require such other additional information as may be determined necessary to adequately review the proposed development.

The Preliminary PUD Plan may be submitted without meeting all of the above requirements if items to be varied are specifically

[PUD:I]

(ARTICLE V, Zone Regulations, continued...)

noted in the Plan. Such notation shall not establish approval for any variance, however.

- (4) Upon the recommendation for approval, approval with conditions, or disapproval by the Planning Commission, the Preliminary Institutional PUD Plan shall be submitted to the Council for consideration, public hearing and action. The recommendation of the Planning Commission shall be accompanied by a report stating the reasons for the approval or disapproval of the Preliminary Institutional PUD Plan, with specific reference to, but not limited to, the following conditions:

[Ordinance No. 7728 - 9/16/80]

- (a) The property adjacent to the area included in the plan will not be adversely affected;
- (b) The plan is consistent with the intent and purpose of this Ordinance to promote public health, safety, morals, and general welfare.
- (c) There is a need for such development in the proposed location.
- (d) There is a reasonable assurance that development will proceed according to the spirit and letter of the approved plans.

- (5) The resolution by the City Council approving the Preliminary Institutional PUD Plan shall have attached thereto, as an exhibit, the official PUD Plan.

[Ordinance No. 7524 - 6/29/79]

- (6) Upon approval or approval with conditions of the Institutional Preliminary PUD Plan by the City Council by resolution, the developer may then complete a Final PUD Plan for review by the staff of the Chattanooga-Hamilton County Regional Planning Commission. At the discretion of the developer, the PUD Plan may be submitted as a Preliminary and Final together. The Plan will follow the same review procedure as for a preliminary plan except that the plan shall be in final form with all necessary information on the plan required for final review. The plan may then be approved as a final with only one (1) submittal for action by the City Council.

The Final Institutional PUD Plan if submitted separately and after approval of a Preliminary Institutional PUD Plan shall substantially conform to the Preliminary Institutional PUD Plan and shall include all of the items as may be required according

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to the procedures adopted and published by the Chattanooga-Hamilton County Regional Planning Commission.

When a Final Institutional PUD Plan is approved or approved with conditions by the staff of the Chattanooga-Hamilton County Regional Planning Commission, it shall be submitted to the City Council.

After notice and publication as provided in Article XI, Section 101, the City Council shall hold a public hearing to review the Final Institutional PUD Plan and to take legislative action.

Final legislative action on a change on zoning in conjunction with an Institutional PUD Plan is contingent on a favorable review of the Final Institutional PUD Plan by the City Council.

The Council, by resolution, may approve or approve with conditions, the Final Institutional PUD Plan and authorize the issuance of a Special Exceptions Permit based on this Plan. A copy of the Final Institutional PUD Plan shall be attached to the resolution as an exhibit.

[Ordinance No. 10322 - 10/24/95]

- (7) Building Permits: No building permits shall be issued until after approval of the Special Exceptions Permit issued on the basis of the Final Institutional PUD Plan or Preliminary and Final Plan together by the City Council. The Chief Building Official shall revoke any permit issued in reliance upon said plan, as finally approved at such time as it reasonably appears that such plan is not being complied with; and notice thereof shall be given to the staff of the Chattanooga-Hamilton County Regional Planning Commission. During such time as a Final Institutional PUD Plan is in effect, no building permit for any other construction purpose not in accordance with such plan shall be issued.

[Ordinance No. 7728 - 9/16/80]

[Ordinance No. 10322 - 10/24/95]

- (8) Approval of the Preliminary PUD Plan shall expire twelve (12) months from and after its approval by the Planning Commission or the City Council, whichever is later.

Any Special Exceptions Permit issued on the basis of an approved Final Institutional PUD Plan or Preliminary and Final submitted together shall expire twelve (12) months from and after its issuance if the development, as planned, has not been adhered to, provided, however, that the good cause shown said Special

[PUD:I]

(ARTICLE V, Zone Regulations, continued...)

Exceptions Permit may be extended by the City Council for additional periods not to exceed one (1) year.

[Ordinance No. 10322 - 10/24/95]

- (9) If the Special Exceptions Permit is revoked, or expires, the Chief Building Official shall have the responsibility for notifying the staff of the Planning Commission.

The Building Official may thereafter upon proper application issue building permits for construction upon said land area consistent with the then prevailing or existing zoning on such land.

[Ordinance No. 7524 - 6/29/79]

[Ordinance No. 10322 - 10/24/95]

~~Amended~~

1400. Downtown Residential/Mixed Use District

[Ordinance No. 9970 - 11/9/93]

1401. Intent: In order to accomplish the general purpose of promoting residential and mixed use development in the downtown area, it is necessary to create a Downtown Residential/Mixed Use District which can give special consideration to certain uses because of the unique characteristics of downtown. This special consideration is necessary because certain types of development may not be permitted in or meet all the requirements of the particular zone where the proposed use would be located.

It is the specific intent to create a Downtown Residential/Mixed Use District, imposing voluntarily accepted requirements within this district which will promote and encourage the revitalization and growth of downtown as a desirable residential area by maximizing use of all available resources, insuring a high degree of compatibility between new and existing uses, promoting mixed use developments, minimizing the review and approval procedure for such developments, and generally ensuring quality development that is in keeping with the traditional urban fabric.

[Ordinance No. 9970 - 11/9/93]

1402. Goals:

- (1) Promote downtown as a viable and vital residential area.
- (2) Minimize and make more efficient the review and approval process for such developments.
- (3) Encourage developer participation by allowing greater latitude in development than what is provided for by the underlying zone.
- (4) Bring within walking distance most daily activities, giving the elderly and the young increased independence of movement.
- (5) Reduce the number and length of automobile trips, reducing traffic congestion, road construction and air pollution.
- (6) Establish building densities that support the use of public transit.
- (7) Provide quality public spaces such as streets, sidewalks, parks and squares where citizens come to know each other and watch over their collective security.
- (8) Provide a full range of housing types and workplaces that will integrate age and economic class.

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(ARTICLE V, Zone Regulations, continued...)

- (9) Maximize use of all existing resources including land, buildings and infrastructure.
- (10) Encourage a higher degree of compatibility between new and existing development.
- (11) Provide physically defined open space to provide places for social activity and recreation.
- (12) Maintain the physical continuity of the street frontage with architectural elements and building sizes and location, while allowing for some diversity and interest.
[Ordinance No. 9970 - 11/9/93]

1403. General Standards: The review committee shall be created by the City Council, as the administrative body to enforce these regulations. The review committee shall be guided by all adopted plans and policies including a General Plan for development within the Downtown Residential/Mixed Use District in accordance with §1409, and by the following general standards and considerations:

- (1) The use shall be consistent with the General Plan and any other adopted plans or policies.
- (2) The use shall be in keeping with the general purpose and intent of these zoning regulations.
- (3) The use and building shall be compatible with the character of the neighborhood where it is proposed and with the size and location of the buildings in the vicinity.
- (4) The use will not negatively impact or injure the value of adjacent properties by noise, lights, traffic or other factors or otherwise detract from the immediate environment.
- (5) The nature of adjacent development is not of such a nature so as to pose a potential hazard to the proposed use or create an undesirable environment for the proposed use.
- (6) All zone regulations shall be considered in context of the submitted plan to assure a consistency and compatibility among proposed and existing development (with particular regard to parking provisions, access, setbacks, building height, etc.).

[Ordinance No. 9970 - 11/9/93]

1404. Permitted Uses Within Downtown Residential/Mixed Use District:

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- (1) Residential: Any type, configuration or density of residential use acceptable under the Zoning Ordinance may be submitted for review.
- (2) Commercial and office uses (when in the same building as a permitted residential use or part of the overall development which includes residential uses).
[Ordinance No. 10328 - 11/14/95]
- (3) Limited manufacturing in conjunction with the above uses if determined to be compatible and reasonable.
- (4) Recreational.
[Ordinance No. 9970 - 11/9/93]

1405. Elements to be Considered Within Downtown Residential/Mixed District:
(See Section 1409 Development Guidelines for Further Definition)

- | | |
|---|---|
| <ul style="list-style-type: none">* Land Use Patterns<ul style="list-style-type: none">- Location- Building Densities- Mix of Uses* Parking and Accessibility<ul style="list-style-type: none">- Street Right-of-way- Parking Conditions- Vehicular Access- Alleys* Open Spaces<ul style="list-style-type: none">- Position- Character* Building Character<ul style="list-style-type: none">- Materials- Building Facades- Roof Form & Use | <ul style="list-style-type: none">* Setbacks<ul style="list-style-type: none">- Building Height- Secondary Buildings* Street Frontage<ul style="list-style-type: none">- Curb Cuts- Lot Coverage* Landscaping<ul style="list-style-type: none">- Lighting* Street and Sidewalk Character<ul style="list-style-type: none">- Streetscape- Pedestrian & Street Lighting- Street Trees- Street Furniture |
|---|---|
- [Ordinance No. 9970 - 11/9/93]

1406. Review Committee:

- (1) Membership: A review committee shall be appointed by the Mayor with the approval of a majority of the Council to administratively review development within the Downtown Residential/Mixed Use District which shall be composed of permanent staff and other rotating members set forth as follows:

Staff (Permanent Members)

(ARTICLE V, Zone Regulations, continued...)

- (a) Planning Commission Executive Director (or designee)
- (b) Urban Design Consultant (or designee)

Other (Rotating Members)

- (c) Architect (appointed by Mayor from a slate to be recommended by AIA Chattanooga, and approved by majority of City Council)
- (d) Landscape Architect/Architect (appointed by Mayor and approved by majority of City Council)
- (e) Contractor/Developer/Realtor (appointed by Mayor and approved by majority of City Council)
- (f) A sixth member shall be appointed by the Council Chair who shall be a rotating member and who shall be a student with interest in urban design or public administration.

Ex-Officio Members

The following may be called on to serve as non-voting members when cases require their technical and professional expertise.

- (a) Urban Forester (or designee)
- (b) Building Official (or designee)
- (c) Traffic Engineer (or designee)

(2) Membership Terms:

- (a) Staff members have no term limits
- (b) Other members serve 3-year terms, staggered. (Initial terms will be one, two and three years as determined by the appointing body).
- (c) The chairman shall be elected by the Review Committee members.

(3) Meeting Format:

- (a) A majority of staff and rotating members must be present to constitute a quorum.

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- (b) Majority vote required for approval.
 - (c) Meetings shall be held once a month (if cases are pending) at a day and time to be determined by the Review Committee.
 - (d) No person who has a potential conflict of interest shall serve on any case where a potential conflict is known to exist.
- (4) Although it is the intent of these regulations that all proposed development should conform as nearly as possible to the standards set forth in §1409, the Review Committee has the discretion to waive or vary said standards as deemed appropriate and necessary.
[Ordinance No. 9970 - 11/9/93]

1407. Application and Review Procedure:

NOTE: The developer is encouraged (but not required) to submit designs of the proposed project at a conceptual stage for staff review.

- (1) Required Submissions Before Review Procedure Shall Occur: The developer shall submit six (6) copies of a written application containing the following information to the Chattanooga Building Department before an application to comply with the Downtown Residential/Mixed Use District will be considered by the review committee:
- (a) A vicinity plan - showing the project in relation to the surrounding blocks.
 - (b) A site plan - including vehicular access, parking, landscaping, property lines, building footprint (minimum scale: 1" = 50').
 - (c) Building elevations (all sides) including indication of materials and color (minimum scale: 1/8" = 1').
 - (d) Site and building section, including sidewalk (minimum scale: 1/8" = 1').
 - (e) A written description stating 1) zoning of subject and adjacent properties, 2) land use of adjacent properties and 3) percent of buildings designated for each type of use.
 - (f) The developer shall also submit one copy of photographs of the undeveloped site and adjacent properties (for context).
- * Other drawings such as floor plans, perspectives, axons are encouraged but not required by the Review Committee.

(ARTICLE V, Zone Regulations, continued...)

- (2) Classification of Projects: Upon receipt of the application and required drawings, the Chief Building Official shall classify the proposed development as follows:
 - (a) Exemptions
 - * ordinary repairs
 - * removal of signage (without replacement)
 - * temporary signs or structures
 - * emergency safety repairs
 - * interior alterations
 - * Historic Zoning Commission jurisdiction
 - (b) Staff Review Only
 - * landscaping
 - * streetscape elements; banners
 - * minor structural changes
 - (c) Committee Review Required
 - * new construction
 - * major structural change (10% of total floor area or 1000 square feet, whichever is less)
 - * parking facility development or redevelopment
- (3) Staff Review: Projects classified as "Staff Review Only" will be reviewed by Riverfront-Downtown Planning-Design Center staff and approved, approved with conditions, or denied within 10 working days of submittal.
- (4) Public Notice: Reasonable notice shall be given to the general public pursuant to the Open Meetings Act of all Review Committee meetings including the applications and property to be considered at such meetings, which notice shall include, but not be limited to, posting of the property and sending letters to the registered owners of all tracts within 200 feet of the property.
- (5) Procedures to be Followed by Review Committee:
 - (a) Projects classified as "Committee Review Required" will be considered by the Review Committee at a scheduled meeting within 30 working days of submittal at a scheduled monthly meeting. At that meeting, the applicant may present his/her project.
 - (b) The Review Committee will then approve the project, approve with conditions or deny based upon the development guidelines set forth in Section 1409.

~~Appendix~~

(c) Upon approval of a project with or without conditions by the Review Committee, building permits shall be issued for development including any required conditions imposed by the Review Committee.

(d) No Certificate of Occupancy shall be issued by the Chief Building Official until all requirements approved by the Review Committee have been accomplished. Any changes to the approved plan shall be addressed back to the Review Committee for consideration.

[Ordinance No. 9970 - 11/9/93]

1408. Appeal: Anyone aggrieved with the decision of the Review Committee may appeal to the Board of Zoning Appeals within 60 days of the Review Committee's decision.

[Ordinance No. 9970 - 11/9/93]

1409. Development Guidelines: The following development guidelines shall be considered by the Review Committee when reviewing a proposed development. The following development guidelines are intended for use only within the boundaries for Mixed Use District I as described in Exhibit A to this amendment to the Zoning Ordinance.

(1) Land Use Patterns:

PRINCIPLE:

To bring most daily activities within walking distance and to reduce the number of automobile trips, a mix of land uses is encouraged in this district.

- * Commercial uses within the district should primarily serve the residents of that district.
- * Commercial development should be compatible with the predominant architectural characteristics and scale of the district.
- * Neighborhood commercial development should be "clustered" at street corners (i.e.. grocery store, deli, laundry).
- * Commercial uses should be located on the ground floor to help animate the street and sidewalk.

PRINCIPLE:

Building densities should be high enough to support the use of public transit and to make efficient use of the land without leaving large "gaps" in the "urban fabric."

(ARTICLE V, Zone Regulations, continued...)

- * A minimum density of 15 units per acre is preferred.

(2) Parking and Accessibility:

PRINCIPLE:

Development patterns should promote an equitable balance between cars and pedestrians within this district. While cars are certainly a necessary part of our society, street widths and parking facilities should not dominate the district but should be sympathetic to the pedestrian scale.

- * The amount of parking to be provided is left to the discretion of the developer. When making that determination, the developer shall take into consideration the benefits of shared parking, the desire to promote the use of public transit and the desire to preserve existing buildings that contribute to the historic character of the district.
- * Alleys should be used for access and service whenever possible, especially with larger developments.
- * "Car storage" should be accommodated behind or within buildings whenever possible.
- * Garage doors fronting the public right-of-way are not desirable.

PRINCIPLE:

Parking garages and surface lots shall have the same qualities and characteristics as any other district development. Parking developments shall relate strongly to other nearby buildings as well as to people at street level.

- * Any parking garage visible from the street shall be integrated into its surroundings and provide an active and inviting street-level use and appearance.
 - Follow all guidelines for Building Character.
 - Avoid ramped floors that are visible from the street.
 - Follow the predominant vertical and horizontal architectural forms and patterns within the district.
 - Have openings and entrances that are in scale with people.

- * Surface parking lots shall not create gaps along the street and sidewalk. Any surface lot in the district shall:
 - Use landscaping, trees, low walls or other elements to maintain the street frontage line formed by buildings.
 - Incorporate perimeter landscaping that is high enough to screen but low enough to let people feel safe.
 - Incorporate interior lot landscaping - generally one shade tree for every three parking spaces.

(3) Open Spaces:

PRINCIPLE:

Open spaces are important for providing relief from the "hard surfaces" in an urban environment. Open spaces shall be designed to complement the character of the neighborhood and to provide recreational space for all residents.

- * Public spaces are encouraged in every neighborhood.
- * Public spaces (parks, gardens, etc.) shall be easily accessible from the sidewalk.
- * Public spaces shall be positioned to be "overlooked" by the surrounding development for a greater sense of security.
- * Public spaces shall create a comfortable, safe and interesting place to rest with plenty of seating (about 1 linear foot for every 30 square feet of open space) and adequate lighting.
- * Incorporate fountains or other water features and public art whenever possible.
- * Private amenities, such as swimming pools, shall be placed in interior lot positions and should not be visible from the primary streets.

(4) Building Character:

PRINCIPLE:

A certain amount of architectural diversity is expected in any district. However, buildings shall also be "good neighbors" by relating well to the common patterns of windows, entrances, cornice lines, column spacing and materials around them and by reinforcing the overall character of the district. Human-scaled

(ARTICLE V, Zone Regulations, continued...)

details on buildings help create a vital, friendly place for pedestrians.

- * The bases of buildings shall generally be of masonry construction.
- * Use design details to emphasize the building's base so that there is a strong pedestrian scale at sidewalk level.
- * Avoid long, uninterrupted horizontal stretches of building facades. Building bays, storefronts, entrances, columns and other vertical elements shall be used in 20 to 40 foot increments to "break up" the building facades.
- * Pitched roofs, dormers and other "occupied" roofs are encouraged.
- * Flat roofs are discouraged unless they are usable (i.e. terraces and gardens). If a flat roof is used, a quality cornice line is required that provides visual interest to the public realm.
- * Roofs should not be visually cluttered with mechanical equipment. All mechanical or utility equipment shall be well integrated into the overall design or screened with materials compatible with the design.
- * Historic renovations shall follow the Secretary of the Interior Standards for Rehabilitation.

(5) Setbacks:

PRINCIPLE:

Different residential districts have taken on distinct identities over time that need to be respected. Suburban districts often have deep building setbacks with large front yards. Urban residential or mixed use districts typically have minimal setbacks, often with buildings built right up to the sidewalk, that give people a feeling of density and activity.

- * Building setbacks shall reflect traditional urban development patterns as opposed to suburban "campus-like" development patterns.
- * Building setbacks shall reflect the existing block or street patterns. In some cases, this means a primary building setback of 10 feet from the sidewalk with porches extending to the sidewalk.

In other blocks, existing setback distances are greater. (Street "classifications" based on existing patterns and street use will be developed to serve as a more specific guide to setback dimensions.)

PRINCIPLE:

Streets, sidewalks, front yards and buildings shall create a recognizable delineation between the public and private realm to offer a sense of security and privacy for residents while still encouraging pedestrian activity.

- * Use low walls, decorative fences, hedges, porches and stoops along the street frontage to distinguish between the public and private realm.

(6) Building Height:

PRINCIPLE:

The height of new development shall respect the established scale of the neighborhood or block as well as the pedestrian scale. Significant views and vistas - both to and from buildings - shall be preserved and enhanced.

- * Building height shall be derived from the general character of the neighborhood or block.
- * The height of buildings fronting the streets shall respect the character of the neighborhood and the pedestrian scale. Buildings located in the interior of a block may be higher or lower.
- * All primary buildings shall be a minimum of two stories.

(7) Street Frontage:

PRINCIPLE:

The quality and continuity of the pedestrian zone shall be maintained to provide interest and a sense of security for the pedestrian. Expanses of surface parking, empty lots or "blank walls" along the street frontage interrupt this continuity and may even "discourage" pedestrian movement.

- * Keep curb cuts to a minimum (in both number and width) in order to maintain the quality and continuity of the sidewalk. Shared access between properties is encouraged.
- * Animate the street frontage with porches, storefronts, window displays, landscaping and other elements that contribute to

(ARTICLE V, Zone Regulations, continued...)

activity and interest. Blank, fortress-like walls at the street level are discouraged.

- * Building frontage shall extend the maximum length possible along the primary street. For lots over 50 feet wide, buildings should extend a minimum of 75% of the length along the primary street frontage.
- * Parking areas shall be confined to the rear of buildings.
- * Garage doors fronting the public rights-of-way are not desirable.
- * Lighting shall be integrated into the exterior design and should help create a greater sense of activity, security and interest to the pedestrian.

(8) Landscaping:

PRINCIPLE:

Landscaping shall reinforce the urban character and scale of the district. Landscape design shall be an integral part of the development - not an afterthought.

- * Landscaping that fronts the public streets shall be sensitive to the Downtown Streetscape Standards.
- * All service areas shall be screened from the public rights-of-way.

PRINCIPLE:

Surface parking lot shall not create gaps along the street and sidewalk.

- * Use landscaping, trees, colonnades or other construction to maintain the line formed by buildings along the sidewalk.
- * Incorporate perimeter landscaping that is high enough to screen but low enough to let people feel safe.
- * Incorporate interior lot landscaping - generally one shade tree for every three parking spaces.

PRINCIPLE:

Lighting is important in making buildings, and the downtown in general, look and feel more inviting 24 hours a day.

- * Lighting shall be integrated into the exterior design.

- * Lighting shall help create a greater sense of activity, security and interest to the pedestrian.

(9) Street and Sidewalk Character:

PRINCIPLE:

Downtown streets and sidewalks shall be safe and attractive for both cars and pedestrians. Getting from one place to another shall be a pleasant, comfortable and rewarding downtown experience.

- * Downtown Streetscape Standards must be maintained on all sidewalks.
- * If any private development project results in demolition of a public sidewalk, the developer will be responsible for replacing the sidewalk in compliance with the Downtown Streetscape Standards.
- * Steps, planters or other private "street furniture" shall not be placed in the public sidewalk.
- * The removal, addition or pruning of any trees in the public right-of-way must be approved by the City's Urban Forester.

Note: Further information regarding the Downtown Streetscape Standards may be obtained at the Riverfront-Downtown Planning & Design Center.

[Ordinance No. 9970 - 11/9/93]

EXHIBIT A

DOWNTOWN RESIDENTIAL/MIXED USE DISTRICT I:

1. **Boundary Description:**

Property located generally between Market Street and Houston Street, and between Oak Street and the Tennessee River, more particularly described as follows: beginning at the intersection of the southeast line of Market Street with the south line of the Tennessee River, thence southeast with the Tennessee River to the northwest line of Georgia Avenue, thence southwest with Georgia Avenue to the southwest line of East 3rd Street, thence southeast with East 3rd Street to the northwest line of Houston Street, thence southwest with Houston Street to the northeast line of Oak Street, thence northwest with Oak Street to the southeast line of Georgia Avenue, thence crossing Georgia Avenue to the northeast line of Lookout Street, thence northwest with Lookout Street to the northwest line of East 5th Street, thence southwest with East 5th Street to the northwest line of Market Street, thence northwest and northeast with Market Street to the south line of the Tennessee River, the point of beginning.

Tax Map No. 135L-A; 135L-B; 135L-C; 135L-D; 135L-E; 135M-A-4-13; 135M-B; 135M-C; 135M-D; 135M-E; 135M-F; 135M-G; 135M-H; 135M-J; 135M-K; 135M-L-1; 135MA-B; 135MD-F; 145D-B; and 145D-C.

2. **Existing Characteristics of District:**

- A. **General Block Patterns and Access:** The general block pattern of the district is formed by two city street grids which intersect at Georgia Avenue at an approximate angle of thirty degrees. The block dimensions are approximately 250 X 400 feet (west of Georgia Avenue) and 400 X 400 feet (east of Georgia Avenue).

The street character in the district ranges from two-lane residential streets with on-street parking up to a four-lane limited access state highway (Riverfront Parkway) which bisects the northern part of the district and restricts access to the Hunter Museum area via High Street only. Some one-way streets traverse the district limiting accessibility to some properties.

Rights-of-way remain for some alleys which creates opportunities for mid-block access, parking and utilities.

Almost all of the streets within the district have sidewalks. The only streets which do not are First Street, a short length of Cherry Street and the northern side of Third Street (east of High Street).

- B. Land Use Make-Up: A large percent of this district is currently used for surface parking.

Most residential uses in the district are multi-family with a few remaining single-family homes. (Historically this district was dominated by residential uses.)

Some professional and institutional office buildings are found within the district.

Some commercial, restaurant and mixed-use (commercial uses on the ground floor with residential above) buildings are also found in the district primarily in the Fountain Square/Georgia Avenue/Vine Street area.

- C. Underlying Zoning Classifications: Most of the district is currently zoned R-4 Special Zone. The southwest portion of the district is zoned C-3 Central Business District. A few individual properties located throughout the district are zoned C-2 (Convenience Commercial), C-3 or C-5 (Neighborhood Commercial).

- D. Public Amenities: Some metered, on-street parking spaces are located in the district. These are primarily found in the Fountain Square area.

Street lighting exists on some blocks, but the only pedestrian lighting in the district is located along Market Street.

Three designated public parks exist in the district. They are 1) the Fireman's Fountain triangle at Georgia Avenue, Sixth and Lookout Streets, 2) River Gallery Sculpture Park between Veteran's Bridge and Spring Street and 3) the Bluff Furnace segment of the Tennessee Riverpark north of Riverfront Parkway.

- E. Architectural Styles: A variety of architectural styles are represented in this district. Many of the single family structures were built in the Queen Anne style. Other exhibit an Italianate or Craftsman influence. Many have had porches added or altered over time.

The area around the Hunter Museum has perhaps the greatest diversity of styles with buildings of Queen Anne, Greek Revival, Spanish Eclectic, Tudor Revival and Colonial Revival influence as well as an early twentieth century utilitarian building.

Most of the apartment buildings are a twentieth century commercial style with Craftsman influence.

(ARTICLE V, Zone Regulations, continued...)

- F. Construction Materials: Most of the buildings in the district are brick. Two or three buildings use stucco or textured concrete block.

One metal building, located on Fourth Street, is not in character with the rest of the district.

- G. Building Height: Building heights range from one to six stories with the majority being two to three stories. The only six-story buildings are the Hogshead Apartments on Georgia Avenue and University Towers on Fourth Street.

- H. Roof Types: All single-family structures in the district have sloped roofs while the majority of the multi-family and commercial buildings have parapet walls with articulated cornice lines. An exception is the one-story building at the southeast corner of East Fifth and Lindsay Streets which has an over-sized "mansard" roof that is not in context with the rest of the district.

- I. Setbacks: Building setbacks vary from street to street throughout the district. Most commercial and office buildings are built to the sidewalk. Setbacks for most of the multi-family apartment buildings range from zero to ten feet. Often these buildings have porches that extend beyond the primary building facade. Most of the single-family structures have deeper setbacks ranging from fifteen to fifty feet. In many cases, however, a low masonry wall is built to the sidewalk which helps to delineate the public and private realm and creates a good street edge.

- J. Lot Coverage: Lot coverage on the developed properties in the district also varies. Most of these lots have a fairly high percentage of lot coverage which is characteristic of urban development as opposed to suburban development.

[Ordinance No. 9970 - 11/9/93]

ARTICLE VI. HEIGHT AND AREA EXCEPTIONS AND SUPPLEMENT

100. The following requirements or regulations qualify or supplement as the case may be, the regulations or requirements appearing elsewhere in this Ordinance.
101. Chimneys, water tanks or towers, penthouses, scenery lofts, elevator bulkheads, stacks, ornamental towers or spires, wireless or broadcasting towers, monuments, cupolas, domes, false mansards, parapet walls, similar structures, and necessary mechanical appurtenance may be erected to a height in accordance with existing or hereafter adopted Ordinance to the City of Chattanooga, Tennessee.
102. Every part of a required yard shall be open from its lowest point to the sky unobstructed; except for the ordinary projections of sills, belt courses, cornices, buttresses, ornamental features and eaves; provided, however, that none of the above projections shall project into a minimum side yard more than twenty-four (24) inches, except eaves which shall not project more than thirty-six (36) inches. Heating, air conditioning, or mechanical equipment shall not project into the required side yard over 5 feet.
- (1) Detached small storage building, private automobile storage garages, private shops for woodworking, metal working, ceramics, etc., and other similar accessory buildings or structures may be located in side and rear yards provided that:
[Ordinance No. 9077 - 11/22/88]
- (a) the building or structure shall be set back at least five (5) feet from the sides and rear lot lines; and
[Ordinance No. 9077 - 11/22/88]
- (b) in the case of a corner lot, the accessory building or structure may not project into the side yard adjacent to the street; and
[Ordinance No. 9077 - 11/22/88]
- (c) the buildings are not more than one (1) story in height; and
- (d) buildings used for agricultural purposes are allowed on tracts of land two (2) acres or more in size without a principal residential structure; and
- (e) detached accessory buildings or structures are to be separated by not less than three (3) feet from the principal structure on a lot; and
[Ordinance No. 9077 - 11/22/88]

- (f) the attic space within any accessory building shall be non-habitable and shall be a maximum of 6' from the highest point of the roof to the attic floor.

[Ordinance No. 9077 - 11/22/88]

- (2) A detached accessory building for purposes of storage only may be located on a separate, vacant lot abutting a lot on which the main building is located provided that the storage building is not larger than 12' x 12' and with a maximum height to the low point of the eaves of 6'. Said storage building shall also be subject to the provisions of Article VI. Sections 102(1)(a), (b), and (f)

[Ordinance No. 9077 - 11/22/88]

103. Open or enclosed fire escapes, fireproof outside stairways and balconies projecting into a minimum yard or court not more than three and one-half (3 ½) feet and the ordinary projections of chimneys and flues may be permitted by the Building Inspector.

104. An uncovered deck may be located ten (10) feet from the rear property lines if it: (1) does not encroach on required side yards, easements, areas reserved for septic tank and field lines, and (2) has a maximum deck elevation no greater than the average finished first floor elevation.

A porch, portico, entry landing or similar structure five (5) feet or less in width may extend into the front and rear required yards (setback areas) no more than five (5) feet.

[Ordinance No. 9738 - 6/23/92]

[Ordinance No. 9883 - 5/18/93]

[Ordinance No. 9923 - 7/20/93]

105. A single-family dwelling may be built on any lot duly recorded at the time of the passage of this ordinance in any zone where dwellings are permitted, regardless of lot size, provided the yard requirements for single-family dwellings in that zone are met. A single-family dwelling may be built on any lot resulting from a resubdivision of lots of record; provided that the resubdivided lot(s) are as large or larger than the previous lot(s) and the lot thus created is located in a zone where dwellings are permitted and the yard requirements for single-family dwellings in that zone are met.

[Ordinance No. 6938 - 9/2/75]

106. A duplex may be built on any lot which was a separate unit at the time of the passage of this Ordinance in any zone where duplexes are permitted, provided that the yard requirements are met and that the lot has an area of 7,500 square feet or more in the R-2 Zone, or 5,000 square feet or more in the R-3 and R-4 Zones.

[Ordinance No. 6554 - 1/9/73]

107. Nothing in this Ordinance is intended to prevent the conversion or alteration of existing buildings to include or accommodate more dwelling units or persons than previously included or accommodated provided the following requirements are met:

- (a) The building is located in a residential or the C-3 Commercial Zone;
- (b) All requirements of the Chattanooga Housing Code are met;
- (c) The proposed number of dwelling units does not exceed the number permitted for the zone in which it is located, or, in the case of lodging, boarding, fraternity or sorority houses, these uses are permitted in the zone in which the structure is located;
- (d) The dwelling shall meet the lot area requirements for the proposed number of dwelling units or lodgers for the zone in which the building is located.
- (e) Parking space shall be provided according to the requirements of the appropriate zone regulations.

108. On corner lots in all zones the side yard requirements on the street side shall be the same as the front yard requirements.

Except that where a corner lot was a separate unit as shown on record at the time of passage of this Ordinance, the following minimum side yards on the street shall apply:

ZONING ZONES

| Lot Width | R-1 | R-2, R-3 | O-1, C-1, C-2, |
|----------------------|--------|-------------|----------------|
| | R-5 | R-4, RZ-1 | C-4, C-5, C-6, |
| | | RT-1, R-3MD | M-1, M-2, M-3 |
| 50 feet or less | 10 ft. | 5 ft. | 5 ft. |
| 50.1 feet to 60 feet | 10 ft. | 10 ft. | 10 ft. |
| 60.1 feet or more | 25 ft. | 25 ft. | 25 ft. |

[Ordinance No. 7189 - 5/17/77]
[Ordinance No. 7593 - 12/18/79]
[Ordinance No. 9739 - 6/23/92]
[Ordinance No. 9780 - 9/1/92]

(ARTICLE VI, Height and Area Exceptions, continued...)

The above less stringent exceptions shall not apply when the corner lot is joined with adjacent lots fronting on the same street (as one parcel) for a single structure or use.

[Ordinance No. 7430 - 9/16/78]

109. Non-Conforming Plan: An authorized agency of the Municipal, County, State or Federal Government, or the owner or owners of any tract of land comprising an area of not less than two (2) acres, or the owner or owners of a tract of land of not less than one (1) acre in an R-3 Zone, who wish to erect a high-rise apartment of not less than fifty (50) units and consisting of six (6) stories, or more, may submit to the Planning Commission a non-conforming plan for the use and development of all of the tract of land for residential and allied purposes.

The Planning Commission shall hold public hearings and study and report on the plan. Notice and publication of such public hearings shall conform to the procedures prescribed in Article XI for hearings before the City Council on changes and amendments.

After the Planning Commission makes a recommendation, the plan shall then be submitted to the City Council for consideration and action.

The approval and recommendations of the Planning Commission shall be accompanied by a report stating the reasons for approval of the application, and specific evidence and facts showing that the proposed community unit meets with the following conditions:

- (a) The property adjacent to the area included in the plan will not be adversely affected.
- (b) The plan is consistent with the intent and purpose of this Ordinance to promote public health, safety, morals and general welfare.
- (c) That the building shall be used only for single-family dwellings, two-family dwellings, or multiple dwellings, and the usual accessory uses such as private or storage garages, storage space and for community activities, including churches.
- (d) There is a need for such development in the proposed location.
- (e) There is a reasonable assurance that development will proceed according to the spirit and letter of the approved plans.

[Ordinance No. 5172 - 9/16/61]

For high-rise apartments containing fifty (50) units or more, such services as a drug store, beauty and barber shops, cigar and newsstand

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and similar services may be permitted, provided they are located within the lobby of the main building, and shall have no separate entrance from the street, and no sign or display visible from the outside of the building indicating the existence of such use.

If the City Council approves the plans, building permits may be issued even though the use of the land and the location and height of buildings to be erected in the area, and the yards and open space contemplated by the plans do not conform in all respects to the zone regulations of the zone in which it is located.

110. The location and design of all curb-cuts, points of access to and from all streets and parking and loading areas, parking and loading areas for all uses except single and two-family residences shall be submitted to and approved by the City Traffic Engineer before building permits can be issued.

111. Special Exceptions for Cemeteries: The development and use of property as a cemetery may be permitted as a special exception by the City Council provided that the following criteria are met:

- (A) minimum size of any tract of land intended for such use shall be twenty-five (25) acres;
- (B) access and egress shall be obtained only from an arterial or collector street;
- (C) a one hundred foot (100') open space buffer shall be set aside along all property lines abutting other residentially zoned land, and said buffer shall be used only for the location of trees, shrubs, fencing or other sight-obscuring ornamentation, but specifically shall not be used for grave sites, interior drives, parking or service buildings; and
- (D) all land intended for grave sites shall be above the elevation of the 100-Year Flood.

[Ordinance No. 6994 - 12/16/75]

- (1) Application Procedure for a Cemetery Special Exception: The owner of a tract of land proposed for development as a cemetery shall apply to the City Council for a Special Exception Permit through the Chattanooga-Hamilton County Regional Planning Commission.

The applicant must submit a site plan to the Planning Commission for the proposed development drawn at a minimum scale of one inch equals one hundred feet (1" = 100') and shall:

(ARTICLE VI, Height and Area Exceptions, continued...)

- (a) define the location, size, accessibility and existing zoning of the proposed site;
 - (b) indicate the surrounding type of development and land use;
 - (c) illustrate the proposed plan of development, including the location of all structures, parking areas and open space;
 - (d) show a plan for new public streets, thoroughfares, public utility easements or other public or community uses, if such are intended as part of the development;
 - (e) in addition to the above, the Planning Commission or City Council may request and require such other additional information as may be determined necessary to adequately review the proposed development.
- (2) The planning staff of the Chattanooga-Hamilton County Regional Planning Commission shall conduct an analysis of the proposed cemetery site, which will include, but shall not be limited to, the following:
- (a) a land use survey of the surrounding development;
 - (b) evaluation of the probable impact of the proposed development
 - (c) proposed points of access and ease of ingress and egress;
 - (d) the lot, yard and open space requirements.

The Chattanooga-Hamilton County Regional Planning Commission shall hold a public meeting, and the staff will report on the proposed site.

- (3) The Planning Commission shall submit the findings of the Chattanooga-Hamilton County Regional Planning Commission staff, along with the recommendations of the Chattanooga-Hamilton County Regional Planning Commission, to the City Council for consideration and action.

The recommendations of the Planning Commission shall be accompanied by a report stating the reasons for approval or disapproval of a Special Exception Permit for a cemetery. This report is to include, but is not limited to, the following areas of concern:

~~Article~~

- (a) the probable effect on the property adjacent to the site under consideration;
 - (b) the consistency of the proposal with the intent and purpose of this Ordinance to promote the public health, safety, morals and general welfare;
 - (c) additional requirements which are needed in order to make the development more compatible with the surrounding land use.
- (4) The City Council of the City of Chattanooga shall hold a public hearing on the request for the Special Exceptions Permit. The notice and publication of the public meeting shall conform to the procedures as prescribed in Article XI hereof for hearings before the Council on changes and amendments.

[Ordinance No. 6994 - 12/16/75]

111.01 Special Exceptions for Existing Cemeteries: Existing cemeteries may be expanded by a Special Exceptions Permit issued by the City Council subject to a review and recommendation by the Planning Commission. The following criteria must be met:

- (1) Ingress and egress shall be approved by the City Traffic Engineer.
- (2) All land intended for grave sites shall be above the elevation of the 100-Year Flood.
- (3) For expansions of less than twenty-five (25) acres, a twenty-five (25) foot buffer shall be set aside along all property lines abutting residentially used land or residentially zoned land. Said buffer shall:
 - (a) Be used only for the location of trees, shrubs, fencing or other sight obscuring ornamentation;
 - (b) Shall not be used for grave sites, interior drives, parking, structures or buildings;
- (4) For expansions of twenty-five (25) acres or more there shall be a one hundred (100) foot buffer area, subject to the above restrictions.

[Ordinance No. 9988 - 12/21/93]

111.02 Application Procedure for a Special Exceptions Permit for Expansion of an Existing Cemetery:

(ARTICLE VI, Height and Area Exceptions, continued...)

- (1) The owner shall submit plans as required in Article VI, Section 111.(1).
- (2) The Planning Commission staff shall conduct an analysis of the request subject to the provisions of Article VI, Section 111.(2) and (3).
- (3) The Planning Commission shall hold a public hearing to review the staff analysis and shall make a recommendation to the City Council.
- (4) The City Council shall hold a public hearing on the request. Notice of the public hearing shall conform to the procedures prescribed in Article XI of this zoning ordinance.

[Ordinance No. 9988 - 12/21/93]

112. Special Exceptions Permit for a Residential Home for Handicapped and/or Aged Persons Operated on a Commercial Basis: Upon approval of a Special Exceptions Permit, the applicant must apply for a license for a "Residential Home for the Aged" from the Tennessee Department of Public Health; or shall apply for license for a "Boarding Home Facility", or a "Large Group Home Facility", to be submitted to the Tennessee Department of Mental Health and Mental Retardation, as the case may be.

Prior to operating either of the above, both the Special Exceptions Permit and the State License must be obtained.

[Ordinance No. 9077 - 11/22/88]

[Ordinance No. 9492 - 11/20/90]

113. Application and Procedure for a Special Exception Permit: The applicant shall apply to the City Council through the Chattanooga-Hamilton County Regional Planning Commission, following the same procedures used for a rezoning request, including a public hearing before the Chattanooga-Hamilton County Regional Planning Commission, a recommendation by the Planning Commission to the City Council, and a public hearing by the City Council.

The City Council may issue a Special Exceptions Permit with or without special conditions that must be met by the applicant. In granting the Special Exceptions Permit, the City Council may allow exceptions in minimum site area (lot) requirements, and in off-street parking requirements.

114. Access to commercial, industrial or other non-residentially zoned property shall be permitted only through a non-residential zone; access to residentially zoned or developed property may be through any other zone.

(ARTICLE VI, Height and Area Exceptions, continued...)

The R-3 Residential Zone, for purposes of access, shall be considered a non-residential zone if developed with multi-family residences.

The R-4 Special Zone, for purposes of access, shall be considered a residential zone if undeveloped or if developed residentially; it shall be considered a non-residential zone if developed with non-residential uses as multi-family residential uses.

[Ordinance No. 10244 - 6/20/95]

ARTICLE VII. NON-CONFORMING USES

100. The lawful use of a building existing at the time of the passage of the Chattanooga Zoning Ordinance or any amendment thereto (the Zoning Ordinance and amendments thereto are hereinafter, and in §101, collectively referred to as the "Ordinance") shall not be affected by the Ordinance, although such use does not conform to the provisions of the Ordinance and such use may be extended throughout any such building, provided that no structural alterations, except those required by law or other City ordinance, or ordered by an authorized officer to secure the safety of the building, are made therein, but no such use shall be extended to occupy any land outside such buildings.

If such nonconforming building is removed or the nonconforming use of such building is discontinued for one hundred (100) consecutive days regardless of the intent of the owner or occupant of such building to continue or discontinue such use, every future use of such premises shall be in conformity with the provisions of the Ordinance.

Manufactured homes, existing on lots where manufactured homes are not a permitted use, shall be treated as nonconforming uses as specified in this section.

[Ordinance No. 7136 - 1/25/77]

[Ordinance No. 10365 - 1/16/96]

101. The lawful use of land existing at the time of the passage of the Ordinance, although such use does not conform to the provisions of the Ordinance, shall not be affected by the Ordinance, provided, however, that no such nonconforming use be extended to occupy a greater area of land than that occupied by such use at the time of the passage of the Ordinance.

If such nonconforming use is discontinued for a period of not less than one hundred (100) consecutive days regardless of the intent of the owner or occupant of such premises to continue or discontinue such nonconforming use, any future use of land shall be in conformity with the provisions of the Ordinance.

Nothing in this section shall prevent the replacement of a manufactured home that is a legal nonconforming use in a residential zone with another manufactured home, provided that a new building permit shall be issued for such manufactured home, specifying that the manufactured home meets all of the current regulations concerning plumbing, electrical and other codes applicable to such units.

[Ordinance No. 7136 - 1/25/77]

[Ordinance No. 10365 - 1/16/96]

102. A nonconforming use may be changed to a use of the same classification according to the provisions of this Ordinance. When a zone shall

hereafter be changed, any then existing nonconforming use in such changed zone may be continued or changed to a use of a similar classification; provided all other regulations governing the new use are complied with. Whenever a nonconforming use of a building has been discontinued or changed to a conforming use, such use shall not hereafter be changed to a nonconforming use.

[Ordinance No. 9077 - 11/22/88]

[Ordinance No. 9492 - 11/20/90]

103. Nothing in this Ordinance shall be taken to prevent the restoration within one (1) year of a building destroyed to any extent by fire, explosion or other casualty, nor the continued occupancy of such building.

In addition, a lot that had a single use consisting of a legal nonconforming manufactured home in a residential zone, that was destroyed by any of the above may, prior to the expiration of one hundred (100) consecutive days, have another manufactured home placed on the lot, provided that a new building permit shall be issued for this manufactured home, specifying that the manufactured home meets all the current regulations concerning building, plumbing, electrical and other codes applicable to the said unit.

[Ordinance No. 7136 - 1/25/77]

[Ordinance No. 9815 - 12/15/92]

104. Any nonconforming industrial, commercial, or other business establishment in operation shall be allowed to expand operations and construct additional facilities which involve an actual continuance and expansion of the activities of the industry or business provided that there is a reasonable amount of space for such expansion on the property owned by such industry or business and so as to avoid nuisances to adjoining landowners.

No building permit or like permission for construction or landscaping shall be denied to an industry or business seeking to expand and continue activities conducted by that industry or business provided that there is a reasonable amount of space for such expansion on the property owned by such industry or business and so as to avoid nuisances to adjoining landowners.

Industrial, commercial, or other business establishments in operation and permitted to operate as nonconforming uses shall be allowed to destroy present facilities and reconstruct new facilities necessary to the conduct of such industry or business provided that no destruction and rebuilding shall occur which shall act to change the use classification of the land as classified under any zoning regulations or exceptions thereto in effect.

(ARTICLE VII, Non-Conforming Uses, continued...)

No building permit or like permission for demolition, construction or landscaping shall be denied to an industry or business seeking to destroy and reconstruct facilities necessary to the continued conduct of the activities of that industry or business provided that there is a reasonable amount of space for such expansion on the property owned by such industry or business and so as to avoid nuisances to adjoining landowners.

[Ordinance No. 9077 11/22/88]

ARTICLE VIII. BOARD OF APPEALS
FOR VARIANCES AND SPECIAL PERMITS

100. Membership Terms and Compensation: The Board, consisting of five (5) members shall be appointed by the City Council for three(3)-year terms. The initial Board shall be comprised of two (2) members serving for one (1) year, two (2) members serving for two (2) years, and one (1) member serving for three (3) years. Thereafter, members shall serve for three(3)-year terms. In the case of a vacancy, a member shall be appointed to serve the unexpired term of the former member creating the vacancy. A member who has served for three (3) years shall continue to serve as an official member of the Board until he or she has been reappointed or a new member has been appointed to take his or her place. Members of the Board shall serve without compensation.
[Ordinance No. 9342 - 3/20/90]
101. Meetings and Rules of Order: The Chairman of the Board shall be elected from its own membership. The Board shall fix its place of meeting and shall conduct at least one (1) regular meeting a month, provided there are applications to be reviewed by the Board. Other meetings of the Board shall be held on the call of the Chairman and at such times as the Board may determine. The presence of three (3) members shall constitute a quorum. In all other matters, the Board shall proceed to its own rules of order for the conduct of business, such rules being of public record. The City Attorney or his designated representative shall be present at each Board meeting.
102. Jurisdiction of the Board: The Board shall have the following powers:
- (1) To make special exceptions to the terms of the zoning regulations in harmony with their general purpose and intent and under the conditions set forth in the following paragraphs, upon the request of the owner of the property in question.
 - (2) To interpret the zoning maps and pass upon disputed questions of foot lines or zone boundary lines or similar questions as they arise in the administration of the zoning regulations.
 - (3) To hear and decide appeals from property owners on actions or decisions by an administrative official in the administration or enforcement of the zoning ordinance.
 - (4) To review conditional permits and other special permits specified in the ordinance to determine that the provisions of the ordinance are met. In the case of conditional permits and other special permits, the Board may set a time period for the permit, at the conclusion of which the Board may review for an extension of an additional time period or the termination of the permit.

- (5) To hear appeals from applicants aggrieved of any decision of the Downtown Residential/Mixed Use District Review Committee. As the requirements of this Ordinance are in the form of principals and guidelines rather than specific regulations, there should be no need for the usual variance procedure. Appropriate due process regarding this Downtown Residential/Mixed Use District Ordinance is to go through the Review Committee first, at which time specific requirements will be established, then to the Board of Zoning Appeals if necessary. When appealing to the Board of Zoning Appeals, the applicant shall provide copies of the development plan so that the Board may review the appeal in context of the proposed development. The Board of Zoning Appeals shall consider the principals and guidelines adopted by City Ordinance in resolving any appeal.

[Ordinance No. 9970 - 11/9/93]

103. Applications to the Board: Persons desiring consideration by the Board shall apply to the Secretary of the Board and shall supply such information as the Board may require to identify the land and determine the reason for the appeal or review. Each application by a property owner shall be accompanied by a receipt for a fee of fifty dollars (\$50.00), paid to the City Treasurer, to cover the City's cost of handling the application, no part of which fee is returnable.

Persons objecting to the relief sought by the applicant or interested in the review or determination made by the Board may likewise set forth their views and actual evidence in writing and be signed by the objectors. The application and objections shall be submitted to the Board within the time provided in its rules of procedure.

[Ordinance No. 8396 - 11/27/84]

104. Notices: A notice of the public hearings held by the Board shall be sent by regular mail to each of the property owners within a minimum of two hundred (200) feet of each property in question before the Board. Said notice will be mailed at least seven (7) days prior to the public hearing by the Board. The most recently updated tax rolls for the City of Chattanooga will be the source of ownership information for Board purposes. A notice shall be published in a daily paper at least seven (7) days before the hearing.
105. Hearings: All official actions of the Board shall be subject to due notices and public hearings, as established by its rules. Any interested person may appear and be heard subject to procedures adopted by the Board.

A review by the Planning Commission Staff may be required for the purpose of obtaining information available as to the effect of a proposed variance, conditional permit, or administrative ruling upon

the use, enjoyment, safety, and value of the land and buildings nearby.

Such report may contain other information on existing or pre-existing conditions relating to topography, geology, utilities, existing, and proposed land use and factors pertaining to the comprehensive plan of the City.

A review by the City Engineer, the Traffic Engineer and any other City Officials may be required for the purpose of obtaining information as to the effect of a proposed variance, conditional permit or administrative ruling upon the flow of traffic, congestion, parking, service for utilities and similar matters usually pertaining to the functions of their office.

The Board shall make and record findings of fact relevant to their decisions and shall accept letters and petitions for the record and shall particularly examine the facts relating to the conditions set forth in Article VIII.

The Board shall make a determination that it has been delegated authority to render a decision in each case and that it is not performing a legislative function not delegated by the legislative body of the City.

[Ordinance No. 9492 - 11/20/90]

106. Condition for Board Decisions: Before a variance or special exception may be granted, the Board must find that the following conditions exist:

- (1) That by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the zoning regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of the zoning ordinance would result in peculiar and practical difficulties or undue hardships upon the owner to develop his property in accordance with the use provisions of the zoning regulations.
- (2) That the relief of the peculiar hardships, practical difficulties or undue hardships granted by the Board would not establish substantial detriment to the public good or substantially impair the intent and purpose of the zoning ordinance.
- (3) That the peculiar hardship, practical difficulties, or undue hardships would apply to the particular land or building regardless of the owner.

(ARTICLE VIII, Board of Appeals for Variances and Special Permits, continued...)

- (4) That the peculiar hardship, practical difficulties, or undue hardship is not created as the result of an act upon the part of the applicant.
- (5) That the peculiar hardship, practical difficulties, or undue hardships asserted by the applicant relate only to the premises for the benefit of which the variance or special exceptions sought and would not be generally applicable to other premises in the City or the personal conditions of the applicant.
- (6) Provided, however, that where the application for a variance or special exception involves only the addition to or extension of an existing building or structure, the Board may allow such addition or extension when said addition or extension would be no less conforming as to setback distances than the existing structure or structures on the same or adjacent property, provided further, that such addition or extension is not in conflict with the character of the area in which the property is located or the comprehensive zoning plan.

[Ordinance No. 6284 - 4/27/71]

107. The Board is empowered to hear and decide whether special permits shall be issued in the following cases:

- (1) For Manufactured Home Parks in the R-3 Residential Zone, provided that such uses comply with the requirements of Article V, Section 304.
- (2) For commercial parking lots in the R-4 Special Zone.
- (3) For fraternal, professional, or hobby clubs in the R-4 Special Zone.
- (4) For funeral homes, mortuaries and undertaking establishments in the R-4 Special Zone.

[Ordinance No. 10491 - 10/15/96]

- (5) For funeral homes and undertaking establishments in the C-2 Convenience Commercial Zone.
- (6) For miniature golf courses and similar outdoor amusement facilities in the C-1 Highway Commercial Zone, the C-2 Convenience Commercial Zone and the C-4 Planned Commercial Center Zone. Applications to the Board for a Special Exceptions Permit for these uses shall be accompanied by a site plan showing the following information:

- (a) Size and location of all buildings and structures;

(ARTICLE VIII, Board of Appeals for Variances and Special Permits, continued...)

- (b) Parking facilities;
 - (c) Ingress and egress points; and
 - (d) All adjacent land uses.
 - [Ordinance No. 8945 - 5/17/88]
 - [Ordinance No. 10548 - 3/18/97]
- (7) For Day Care Centers and kindergartens not operated by government or religious organizations in the R-1, R-2, RT-1, RZ-1, R-3, R-3MD, R-4, R-5, O-1, C-1, C-2, C-3, C-4, C-5 and C-6 Zones; in the M-1 Zone as an on-site accessory use to any permitted use.
[Ordinance No. 8579 - 12/24/85]
- (8) For off-street parking on lots in the R-1, R-2, R-3MD, R-3 and R-5 Residential Zones when such lots are adjacent to the R-4, O-1, C-1, C-2, C-4, C-5, C-6, M-1, M-2, or M-3 Zones, provided that plans for such off-street parking, approved by the City Engineer and Traffic Engineer, are filed with an application for such permits. Such plans shall also provide for the paving of all driveways and parking areas and adequate drainage of the lots.
[Ordinance No. 8786 - 5/12/87]
- (9) For travel trailer camps in the C-1 Highway Commercial Zone, provided that such uses comply with the requirements of Article V, Section 504.
[Ordinance No. 7462 - 1/9/79]
- (10) For small animal hospitals in the R-4 Special Zone and the C-2 Convenience Commercial Zone.
[Ordinance No. 6931 - 8/19/75]
- (11) For commercial radio, television, telephone and microwave towers in all residential zones and the R-4 Special Zone (no permit is required for the manufacturing, commercial and office zones) subject to the following provisions:

Towers shall be permitted in all manufacturing, office or commercial zones without additional restrictions provided that such towers shall be set back at least the height of the tower plus ten (10) feet from any adjacent residentially-zoned property or any single-family or duplex dwelling located within such non-residential zones.

Towers shall be permitted within residential zones and the R-4 special zone subject to the following additional restrictions:

- (a) Towers more than 150 feet in height above grade and/or utilizing a power in excess of 100 watts and/or equipped

for microwave transmission or reception shall be set back at least the height of the tower plus 10 feet from all lot lines for adjacent property not in the same ownership or not assembled for use as the tower site.

- (b) For towers not more than 150 feet in height and power not to exceed 100 watts and not utilizing microwave transmission or reception, the base of the tower shall be not closer than 250 feet from any single or two-family dwelling. Setbacks from multiple-family dwellings, institutional or non-residential uses may be less subject to review and approval by the Board.

- (c) In all situations where either sub-sections (a) or (b) above apply, the Board must review the proposed site plan and find that to allow installation of such tower will not devalue or otherwise injure adjacent property or constitute a safety hazard. Further, the Board shall be empowered to require screening, fencing, landscaping, off-street parking or other such site improvements as might be necessary to assure compatibility of the proposed tower with its surroundings.

[Ordinance No. 8309 - 5/22/84]

[Ordinance No. 9793 - 9/15/92]

[Ordinance No. 10434 - 6/25/96]

- (12) For drug and alcohol, penal or correctional halfway houses or rehabilitation centers and uses similar in character.

[Ordinance No. 8410 - 1/8/85]

- (13) For open air markets in the C-2 Convenience Commercial Zones and M-1 Manufacturing Zones, provided that the following conditions are met:

[Ordinance No. 6976 - 11/18/75]

- (a) Parking shall be provided at a rate of two (2) spaces for every stall, booth or vendor's lot; or (alternatively) at least two-thirds (2/3) of the entire site shall be set aside as the usable customer parking space.

- (b) Access and egress to public streets shall be established and maintained in a manner approved by the City Traffic Engineer.

- (c) Public sanitary facilities shall be provided as follows:

- 1) Whenever business is conducted on undeveloped property zoned for open air markets, sanitary facilities, including, but not limited to, toilets,

water and trash containers, will be made available at the start of each business day.

[Ordinance No. 6952 - 9/23/75]

- 2) Either permanent toilet fixtures or portable facilities approved for public use by the Chattanooga-Hamilton County Health Department shall be made available in the following ratio:
 - a) Property less than one (1) acre - two (2) toilet units shall be provided.
 - b) Property one (1) to three (3) acres - four (4) toilet units shall be provided.
 - c) Property more than three (3) acres - six (6) toilet units shall be provided.
- 3) All portable toilets will be emptied, sanitized and serviced not less than two (2) times a week, or more frequently if needed, and the contents emptied in an approved waste water treatment facility.
- 4) Portable drinking water, either under pressure or furnished in an approved dispenser, will be made available so there will be a drinking fixture or dispenser for each acre of used property or fraction thereof. Single service cups, in an approved dispenser, will be made available.
- 5) A covered trash receptacle, capable of holding not less than ten (10) gallons, will be made available by each vendor who leases, rents or is furnished space to barter or sell merchandise. All trash and debris must be picked up and removed from the area, curb or street by close of the business day.

[Ordinance No. 6952 - 9/23/75]
- (d) A board or chain-link fence at least four (4) feet high shall be erected along any property boundary adjacent to a school, church or residential land use.
- (e) Alteration or deletion of any parking space or sanitary facility or abridgment of any condition agreed to at the time of issuance of the special permit shall constitute grounds for revocation of the special permit. Upon verification by the City Building Inspector that such alteration, deletion or abridgment has occurred, the

operator of the open air market shall be summoned before the Board of Zoning Appeals to show cause why the special permit should not be permanently revoked. Failure to appear or failure to correct deficiencies found by the Board within ten (10) days following the hearing shall result in automatic revocation of the special permit, and the operator shall cease to use the property as an open air market until such time as a new special permit is applied for and received.

- (14) For adult-oriented establishments in the C-1, C-2, C-3, and M-1 Zones, provided that the use meets the following definitions, conditions, restrictions and other provisions:

- (a) Definitions: For the purpose of these regulations, certain terms and words shall be defined as follows:

- 1) Adult - Any person who is eighteen (18) years of age or older.
- 2) Adult-Oriented Establishments - Sexually explicit establishments which cater to an exclusively or predominantly adult clientele and including, but not limited to: adult bookstores, adult motion picture theaters, cabarets, massage parlors and other enterprises which regularly feature materials, acts or displays involving complete nudity or exposure of the "Specified Anatomical Areas" hereinbelow defined and/or sexual excitement or enticement.
- 3) Adult Bookstore - An establishment having as a substantial or significant portion of its stock in trade, books, magazines, motion pictures, periodicals and other materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined below) or an establishment with a segment or section devoted to the sale or display of such material.
- 4) Adult Motion Picture Theater - Any public place, whether open or enclosed, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined below) for observation by patrons therein.

- 5) Cabaret - Any restaurant, bar, dance hall, nightclub or other such public place which features exotic dancers, go-go dancers, strippers, male or female impersonators or similar entertainers.
- 6) Massage Parlors - Any premises, public place, place of business or membership club where there is conducted the business or activity of furnishing, providing or giving for a fee or any other form of consideration a massage, a bath, body painting or similar massage services or procedure. This definition shall not be construed to include a hospital, nursing home, medical clinic or the office of a duly licensed physician, surgeon, physical therapist, chiropractor or osteopath. Nor shall this definition be construed to include a barber shop or beauty salon operated by a duly licensed barber or cosmetologist, so long as any massage administered therein is limited to the head and neck.
- 7) Massage - Shall mean the administering by any person by any method of exerting or applying pressure, friction, moisture, heat or cold to the human body, and/or the rubbing, stroking, kneading, pounding, tapping, or otherwise manipulating a part or whole of the human body or the muscles or joints thereof, by any physical or mechanical means. Massage shall also mean the giving, receiving, or administering of a bath to any person or the application of oil, lotion, body paint or other such embrocation to any person.
- 8) Minor - Any person less than eighteen (18) years of age.
- 9) Public Place - Shall mean any place to which the public or a substantial group of persons has access and congregates, regardless of whether admission is charged thereto, and includes, but is not limited to: businesses open to the public, highways, transportation facilities, schools, places of amusement, parks, playgrounds, hotels, theaters, auditoriums, restaurants, nightclubs, cocktail lounges, and burlesque houses.
- 10) School - An academic learning center, whether public or private, from the level of nursery through twelfth grade.

11) "Specified Sexual Activities" -

- a) Human genitals in a state of actual or simulated sexual stimulation or arousal;
- b) Acts of actual or simulated human masturbation, sexual intercourse or sodomy;
- c) Actual or simulated fondling or other erotic touching of human genitals, pubic regions, buttock or female breast.
[Ordinance. No. 7139 2/1/77]

12) "Specified Anatomical Areas" -

- a) Less than completely and opaquely covered:
 - 1. Human genitals, pubic region;
 - 2. Buttock; and
 - 3. Female breast below a point immediately above the top of the areola; and
- b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

- (b) Location Restrictions: Adult-oriented establishments, as defined above, are absolutely and expressly prohibited from all parts of the city, except those portions zoned C-1, C-2, C-3 and M-1. Furthermore, the location and operation of adult-oriented establishments within the C-1, C-2, C-3, and M-1 zones will not be permitted unless a special permit is obtained from the Board of Zoning Appeals, subject to the following additional restrictions.

- (c) Special Permit Restrictions for Adult-Oriented Establishments: In no case shall an adult-oriented establishment be permitted to locate within five hundred feet (500') of any boundary of an R-1, R-2, R-3, or R-5 Residential Zone, the R-4 Special Zone, or within five hundred feet (500') of a residential use within any zone, nor shall any proposed adult-oriented establishment be permitted to locate within five hundred feet (500') of a residential use within any zone, nor shall any proposed adult-oriented establishment be permitted to locate within five hundred feet (500') from the nearest property line of a site which is used for the purpose of a recreational park

(ornamental parks are not to be considered in the requirement), place of worship, school, day care center, or other adult-oriented establishment. Measurement shall be made from the nearest recorded property line of the adult-oriented establishment to the nearest property line or boundary of the above-mentioned uses.

- (d) Evaluation: For the purpose of enforcing the regulations of this section, it shall be the responsibility of the Planning Commission staff to measure, evaluate, and advise the Board of Zoning Appeals regarding compliance of a proposed adult-oriented establishment with the special restrictions set forth herein. It shall be the responsibility of the applicant to supply site plans, maps, surveys or other such special information as might reasonably be required and requested by the Planning Commission staff for use in making a thorough evaluation of the proposal.
- (e) Revocation and Hearing: Expansion, relocation, substantial misrepresentation, violation of any of the terms of this ordinance or change in dominant sales items or services offered to the public or failure to operate the establishment in conformity with any terms and specifications set forth in the conditions attached to the special permit shall constitute grounds for revocation of the special permit after notice and hearing. Notice of the hearing before the Board of Zoning Appeals for revocation of the permit shall be given in writing setting forth the grounds of the complaint and the time and place of hearing. Such notice shall be mailed by certified mail to the applicant's last known address at least five (5) days prior to the date set for hearing.
- (f) Adult-Oriented Establishments - Unlawful Acts: It shall be unlawful for any person to own, manage or operate an adult-oriented establishment in any zone other than C-1, C-2, C-3, or M-1 or to own, manage or operate such an establishment without obtaining a special permit as hereinabove required.
- (g) Penalty: Any person violating any of the provisions of this ordinance, upon conviction by the court, shall be fined not less than Twenty-Five Dollars (\$25.00), nor more than Fifty Dollars (\$50.00), and may be imprisoned not less than fifteen (15) days, nor more than thirty (30) days, for each violation, and each day of violation of any provision of this ordinance shall constitute a separate offense.

- (h) Status of Pre-Existing Adult-Oriented Establishments:
Adult-oriented establishments existing prior to the date of adoption of this section may continue in operation subject to all restrictions on non-conforming uses as specified in Article VIII of these regulations provided that such pre-existing uses shall obtain special permits within ninety (90) days, said permits shall be granted as a matter of right.
[Ordinance No. 7139 - 2/1/77]
- (15) Museums and art galleries with retail sales as an accessory on-site use in the R-4 Special Zone.
[Ordinance No. 9701 - 4/21/92]
- (16) Gift shops in the R-4 Special Zone.
[Ordinance No. 9701 - 4/21/92]
- (17) Facilities such as boarding, grooming, training and similar uses for small animals (defined as household pets) in the C-1 Highway Commercial and C-2 Convenience Commercial Zones, subject to the provisions that any outdoor use:
 - (a) Shall be limited to the rear yard; and
 - (b) Shall be one hundred (100) feet from any residential, commercial or office use or zone; and
 - (c) Shall be fenced by a sight-obscuring screen (either solid or veil block, or some form of fence that is at least fifty percent (50%) opaque and at least six (6) feet high). No chain link, slat or wire fences can be used to meet the requirements of this section.
[Ordinance No. 9869 - 4/27/93]
[Ordinance No. 10326 - 11/14/95]
- (18) For home occupations which generate vehicular traffic to the premises. To issue this permit, the Board must first find that the type and amount of vehicular traffic generated by the home occupation will not be disruptive to the neighborhood or in any way create a nuisance or safety hazard to the neighborhood in which the proposed home occupation is to be located. Home occupations permitted under this section shall also be subject to the provisions of Article II, Section 100.(39)(e) of this Ordinance. The Board may also impose such additional conditions as deemed necessary to insure the public safety and welfare.
[Ordinance No. 10204 - 4/18/95]

(ARTICLE VIII, Board of Appeals for Variances and Special Permits, continued...)

- (19) Residential Homes for the Handicapped and/or Aged Persons, Assisted Living Facilities and Medically Assisted Living Facilities, Nursing Homes and Hospitals.

(See T.C.A. §13-24-104 for the exemption of residential homes operated on a non-commercial basis.)

Application to the Board shall be accompanied by a site plan, drawn to scale, showing the following information:

- (a) Size and location, and use of all buildings and structures;
- (b) Parking and loading facilities;
- (c) Points of ingress and egress;
- (d) Surrounding land uses; and
- (e) A list showing:
 - 1) Number of residents;
 - 2) Number of employees, visitors and/or volunteers who may reasonably be expected at any one time;
 - 3) State licensure department (if applicable);
 - 4) Type of license and nature of operation; and
 - 5) A statement of whether the facility will be operated on a commercial basis

The Board shall find that such uses are appropriate to the zone in which they are proposed to be located; that the proposed use will not conflict with the developed character of the area; that the City Traffic Engineer has approved all plans for the points of ingress and egress, parking and loading facilities; and that the proposed use will not be in conflict with the adopted plans of the community.

Prior to operating any of the above uses, both the Special Exceptions Permit and the State License (where applicable) must be obtained.

[Ordinance No. 10447 - 7/16/96]

[Ordinance No. 10473 - 9/17/96]

108. Board's Findings:

- (1) The Board shall make its findings in writing on each of the conditions stipulated in Article VIII, Section 106, and on such additional items presented as evidence which have influenced its decision. The decision of the Board shall become effective

immediately. Such decision, affirming, revising, or modifying the order, requirement, decision, or determination of the administrator of the zoning ordinance and such conditional permits and other special permits or special exceptions or variances to the provisions of the zoning ordinance shall be effective for an unlimited period of time unless otherwise specified by this ordinance or the Board.

[Ordinance No. 9077 - 11/22/88]

- (2) If the decision of the Board has not been fully utilized and confirmed by the construction of the improvements contemplated by the applicant within the period of one (1) year or other time certain stipulated by the Board, then the applicant will be required to reapply to the Board and the application will be reheard upon the grounds stipulated by the applicant as of the time of the new application.
 - (3) The Board shall not rehear any case upon the same grounds within a minimum period of one (1) year of its previous hearing date.
 - (4) The Board shall adopt for its record such policies as can be reasonably developed for its own guidance in dealing with the more common types of request for adjustment.
109. Records: The Board shall keep a duplicate record of its proceedings, findings, and action in each case, giving specific reasons for its action and for any deviation from policy it might have established in past cases. The vote of each member on each question shall appear in the record. All records of the Board shall be open to the public.
110. Stay: Upon applying for special exception, variance, interpretation, or review by the Board, the applicant shall stay any cut or fill of property, construction, or alteration on the building or property for which action by the Board is sought.
111. Appeal from the Board's Decision: The action of the Board of Appeals for Variances and Special Permits shall be final, provided, an appeal from the action of the Board may be taken to a court of competent jurisdiction by any aggrieved, affected party.
[Ordinance No. 6284 - 4/27/71]
112. Administration: The City Finance Officer or his designated assistant shall be the Secretary of the Board. He shall conduct all official correspondence subject to the rules and direction of the Board, and send out all notices and attend all meetings, keep the minutes, compile the records and maintain the official files of the Board or cause the same to be done.
[Ordinance No. 5820 - 7/25/67]

ARTICLE IX. PLATS

100. Each application for a building permit for a new building or to enlarge an existing building shall be accompanied by a plat drawn to scale, showing:

the actual dimensions of the lot to be built upon,

the size, shape and location of the building to be erected or enlarged and such other information as may be necessary to provide for the enforcement of this Ordinance.

A record of such application and plat shall be kept in the Office of the City Building Inspector.

Where application is made to enlarge an existing non-conforming use, the application shall be accompanied by an affidavit giving the description of the premises owned at the date of the passage of this Ordinance.

ARTICLE X. INTERPRETATION, PURPOSE, AND CONFLICT

100. In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements for the promotion of the public health, safety, morals and general welfare of the community. It is not intended by the Ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the height of buildings, or requires larger open spaces than are imposed or required by other Ordinances, rules, regulations or by easements, covenants, the provisions of this Ordinance shall control. If, because of error or omission in the zoning map, any property in the City of Chattanooga, Tennessee, is not shown as being in a zoning zone, the classification of such property shall be R-2 Two Family Zones, unless changed by amendments to the Zoning Ordinance; provided, however, that property annexed to the City of Chattanooga shall be temporarily reclassified from its former zoning classification as follows:

[Ordinance No. 6528 - 11/21/72]

[Ordinance No. 6737 - 3/26/74]

| <u>FORMER CLASSIFICATION</u> | <u>TEMPORARY CLASSIFICATION</u> |
|---|--|
| A-1 Agricultural District | to R-1 Residential Zone |
| R-1 Single-Family Residential District | |
| RT-1 Residential Townhouse District | to RT-1 Residential Townhouse Zone |
| R-2 Urban Residential District | to R-2 Residential Zone |
| R-2A Rural Residential District | |
| R-3 Apartment-Townhouse District | to R-3 Residential Zone |
| MH Manufactured Home Park District | |
| R-3MD Moderate Density Apartment-Townhouse District | to R-3MD Moderate Density Zone |
| R-5 Single Lot Manufactured Home District | to R-5 Residential Zone |
| O-1 Office District | to R-4 Special Zone |
| C-1 Tourist Court & Motel District | to C-1 Tourist Service Commercial Zone |
| C-2 Local Business Commercial District | to C-2 Convenience Commercial Zone |
| C-3 General Business District | |

- | | |
|---|-------------------------------------|
| M-1 Industrial District | to M-1 Manufacturing Zone |
| M-2 Wholesale & Light Industrial District | to M-2 Light Industrial Zone |
| M-3 Warehouse and Wholesale District | to M-3 Warehouse and Wholesale Zone |
| F/H Flood Hazard District | to F/H Flood Hazard District |
| F/W Floodway Zone | to F/W Floodway Zone |
101. The temporary classifications shall be and remain in full force and effect during the interim period between the effective date of the annexation and the adoption of an official zoning plan for the area by the City Council, as hereinafter provided, and the building inspector may issue building permits during said interim based upon such temporary zoning.
- [Ordinance No. 6737 - 3/26/74]
102. It shall be the duty of the Planning Commission, within ninety (90) days of the effective date of annexation, to recommend a zoning plan for the newly annexed areas to the City Council. Following the receipt of the recommendation of such a zoning plan from the Planning Commission, the City Council after giving notice as required in Article XI regarding changes and amendments to the zoning ordinance, shall thereafter adopt a zoning plan as an amendment to the official zoning map for the newly annexed area.
- [Ordinance No. 5993 - 1/21/69]
103. This ordinance shall apply only to property annexed by the city after March 4, 1969, it being the intent of the City Council that this ordinance shall have only prospective application.
- [Ordinance No. 6108 - 2/18/69]
104. To assure continuity of land use control, major amendments to the text of zoning regulations shall, as a rule, be considered as constituting a corresponding amendment to the official zoning map and a readoption of the limits of all affected zones. Unless otherwise provided, property shown on the official zoning map as being within a zoning zone which is identified by an alphanumeric symbol such as R-1, C-2, M-3, etc., shall be subject to the amended zoning regulations which are identified by the same alphanumeric symbol in the text of the zoning ordinance. Legal structures or other land uses which were in existence and permitted by zoning regulations prior to any amendment but which are disallowed by newly adopted regulations shall be subject to the provisions for nonconforming uses as set forth in Article VII of these regulations. Specifically, for amendments to the text of the commercial zone regulations, as adopted by the Chattanooga City Commission on January 9, 1979, all property within the former commercial zones as shown on the official zoning map shall be subject

(ARTICLE X, Interpretation, Purpose and Conflict, continued...)

to the corresponding amended zoning regulations in the text of the zoning ordinance, as specified below:

| <u>Former Classification</u> | <u>Amended Classification</u> |
|---|------------------------------------|
| C-1 Tourist Service Commercial District | C-1 Highway Commercial Zone |
| C-2 Convenience Commercial District | C-2 Convenience Commercial Zone |
| C-3 Central Business District | C-3 Central Business Zone |

At the time of adoption of the amended Commercial Zoning Regulations, no property was classified under the C-4 Planned Commerce Center Zone or the C-5 Neighborhood Commercial Zone. Accordingly, property is to be added to these zones through the normal process of amendments to the official zoning map.

[Ordinance No. 7462 - 1/9/79]

ARTICLE XI. CHANGES AND AMENDMENTS

100. The City Council of the City of Chattanooga, Tennessee, may, from time to time, amend, supplement, or change the regulations and zones herein or subsequently established; but no amendment shall become effective unless it be first submitted to and approved by the Planning Commission, or if disapproved, shall receive the favorable vote of a majority of the entire membership of the City Council.

101. Method of Procedure:

(1) A proposed change or amendment may originate with the City Council, with the Planning Commission, or on petition. The proposed change or amendment must first be referred to the Planning Commission for a recommendation. Following the receipt of a recommendation from the Planning Commission, the City Council shall give at least fifteen (15) days' prior notice of the time and place for a public hearing which shall be held in regard to the proposed changes or amendments. This notice shall be published in a newspaper of general circulation in the City. The cost of such notice will be borne by the petitioner.

(2) Provided, however, that a petition for rezoning or to close and abandon shall not be accepted for a period of nine (9) months following denial of a previous petition involving the same property or any part thereof.

[Ordinance No. 7144 - 2/15/77]

[Ordinance No. 10330 - 11/21/95]

ARTICLE XII. ENFORCEMENT, VIOLATIONS, AND PENALTIES

100. The Building Inspector is hereby designated and authorized to enforce this Ordinance. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not less than two dollars (\$2.00) nor more than fifty dollars (\$50.00) for each offense. Each day a violation exists shall constitute a separate offense.

ARTICLE XIII. VALIDITY

100. Should any section, sub-section, phrase, clause or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

ARTICLE XIV. EFFECTIVE DATE

100. This Ordinance shall take effect two (2) weeks from and after its passage, the public welfare requiring it.

PASSED on third and final reading 6-20-61. (On roll call vote.)

ARTICLE XV. HAZARDOUS WASTE REGULATIONS

[Ordinance No. 9875 - 5/11/93]

100. Intent: It is the purpose of this Article to establish reasonable regulation of all commercial hazardous waste management facilities and commercial medical waste facilities (as defined in this Ordinance) relative to appropriateness of location and method of operation in order to minimize the impact on the community adjacent to and surrounding such uses and to assure and maintain the public safety and general welfare.

This basic purpose can and should be achieved without precluding or discouraging the following objectives: (1) encourage innovation and the use of new technologies for waste minimization, storage and disposal (2) increase collaborative activities among area industries which have common environmental concerns, and (3) facilitate access to international markets for products and technologies related to the environment while at the same time giving due concern for the environment, health and safety of the citizens of Hamilton County and all municipalities contained therein.

It is the further intent of the City to encourage the recycling, reclamation, and reuse of materials so as to remove such materials from the solid and hazardous waste stream. To this end, the City encourages the state and federal governments to revise their rules and regulations to encourage such recycling, reclamation and reuse, after which the City shall consider similar revisions.

101. Definitions:

- (1) Commercial Hazardous Waste Management Facility: any hazardous waste management facility proposed for a new site, or through a change of operations at an existing site, within this jurisdiction that stores, treats (including incineration), or disposes of hazardous waste, of which, more than ten percent (10%), by volume was generated off-site during either six-month period January 1 through June 30 or July 1 through December 31 in any calendar year, with the percentage to be the percent of the amount generated off-site at the receiving facility during the corresponding time period of the preceding calendar year.

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- (2) Generate: the act or process of producing hazardous wastes or medical wastes.
- (3) Off-Site: any property that is not classified as on-site by these regulations.

- (4) On-Site: on the site of generation. "On-site" further means the same or geographically contiguous property which may be divided by public or private right(s)-of-way. Noncontiguous property owned by the hazardous waste generator that is connected by a right-of-way which such hazardous waste generator controls and to which the public does not have access is also considered on-site property.
- (5) Hazardous Waste: a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical chemical, or infectious characteristics may
- (a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or
 - (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.
- (6) Commercial Medical Waste Management Facility: any medical waste management facility proposed for a new site or through a change of operations at an existing site within this jurisdiction used for treatment (including incineration), storage or disposal of any medical waste generated off-site, except that a facility that receives medical waste that is generated only at a site or sites owned or operated by the same corporation, or subsidiaries of such corporation, or sites under contract to such corporation for medical wastes generated by the corporation shall not be deemed to be a commercial medical waste management facility provided that the volume of medical waste received from such sites and placed in storage for more than one calendar month does not exceed twenty-five percent (25%) of the storage capacity at the designated accumulation area of the facility, referred to at the definition of "storage" in Title 40 CFR 259.10(a), Revised as of July 1, 1991, regarding Standards for the Tracking and Management of Medical Waste, and identified as required in Article XV, Section 102 of this zoning ordinance, and provided that during no calendar month may more than twenty-five percent (25%) of the total medical waste treated or disposed at the facility be from such sites, and the facility shall maintain records available for public inspection for two (2) years to demonstrate compliance.
- (7) Medical Waste: solid or liquid wastes which contain pathogens with sufficient virulence and quantity such that exposure to

the waste by a susceptible host could result in an infectious disease. All of the following types of wastes shall be considered to be medical wastes for the purposes of these regulations:

- (a) Biological wastes and discarded materials contaminated with blood, excretion, exudates, or secretions from patients who are isolated to protect others from certain highly communicable diseases, or isolated animals known to be infected with highly communicable diseases; and
- (b) Cultures and stocks of infectious agents and associated biologicals, including cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biologicals, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate, and mix cultures; and
- (c) Human pathological wastes, including tissues, organs, and body parts and body fluids that are removed during surgery or autopsy, or other medical procedures, and specimens of body fluids and their containers; and
- (d) Liquid waste human blood; products of blood; items saturated and/or dripping with human blood; or items that were saturated and/or dripping with human blood that are now caked with dried human blood; including serum, plasma, and other blood components, and their containers, which were used or intended for use in either patient care, testing and laboratory analysis or the development of pharmaceuticals; and intravenous bags; and
- (e) Sharps that have been used in animal or human patient care or treatment or in medical, research, or industrial laboratories, including hypodermic needles, syringes (with or without the attached needle), Pasteur pipettes, scalpel blades, blood vials, needles with attached tubing, and culture dishes (regardless of presence of infectious agents). Also included are other types of broken or unbroken glassware that were in contact with infectious agents, such as used slides and cover slips; and
- (f) Contaminated animal carcasses, body parts, and bedding of animals that were known to have been exposed to infectious agents during research (including research in

(ARTICLE XV, Hazardous Waste Regulations, continued...)

veterinary hospitals), production of biologicals or testing of pharmaceuticals; and

(g) The following unused, discarded sharps: hypodermic needles, suture needles, syringes, and scalpel blades.

(8) Storage: holding hazardous waste or medical waste for a period of more than ninety (90) days, at the end of which the hazardous waste or medical waste is treated, disposed of, or stored elsewhere. A commercial hazardous waste management facility or a commercial medical waste management facility shall not be subject to the ninety days restriction for the purposes of this definition and these zoning regulations if it either:

(a) Generates more than 100 kilograms and less than 1000 kilograms of hazardous waste or medical waste in a calendar month; and the quantity of waste accumulated on-site never exceeds 6000 kilograms; and the facility has complied with all other applicable provisions of 40 CFR 262.34(d), in which case accumulation on-site would constitute "storage" after 180 days.

In addition, if such a facility must transport its hazardous waste or medical waste or offer them for transportation over a distance of 200 miles or more for off-site treatment, storage or disposal then accumulation on-site would constitute "storage" after 270 days; or

(b) Generates less than 100 kilograms of hazardous waste or medical waste in a calendar month; and generates one (1) kilogram or less of acute hazardous wastes listed in 40 CFR 261.31, 261.32, or 261.33(e); and generates 100 kilograms or less of any residue or contaminated soil, waste, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous wastes listed in 40 CFR 261.31, 261.32, or 261.33(e); and the quantity of hazardous or medical waste accumulated on-site never exceeds 1000 kilograms; and the facility has complied with all other applicable provisions of 40 CFR 261.5, in which case accumulation on-site could continue indefinitely at a facility that is not otherwise a "commercial hazardous waste facility" or a "commercial medical waste facility" for the purposes of these zoning regulations.

(9) Construction: in general, initiation of physical on-site construction activities on a management unit which are of a

permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying of underground pipe work, and construction of permanent storage structures. With respect to a change in the method of operation this term refers to those on-site activities, other than preparation activities, which mark the initiation of the change.

- (10) 100-Year Floodplain: any land area which is subject to a one percent or greater chance of flooding in any given year from any source as defined in 44 Code of Federal Regulations Part 67, Final Flood Elevation Determinations and as effective on the date of issuance of the Flood Insurance Rate Map showing the 100-year flood elevations for the community.
- (11) 500-Year Floodplain: any land area which is subject to a two tenths chance in one hundred (one chance in five hundred) of being flooded in any one-year period as shown on the Flood Insurance Rate Map or the Flood Hazard Boundary Map.
- (12) Flood Hazard Boundary Map: an official map of a community, issued by the Federal Emergency Management Agency (FEMA), where the boundaries of the areas of special flood hazard have been designated. For the purposes of these regulations, the floodplains identified by FEMA in its Flood Boundary and Floodway Maps Numbers 470072 0001, 0002, 0016, 0017, 0018, 0019, 0022, 0023, 0024, 0025, 0029 and 0030 and Map Index to Numbers 470072 0001-0030 dated September 6, 1989. At least one copy of each map has been filed in the office of the city building inspector at least fifteen (15) days prior to adoption of these amendments to the Chattanooga Zoning Ordinance for public use, inspection and examination.
- (13) Flood Insurance Rate Map: an official map of a community, on which the Federal Insurance Administration of the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. For the purposes of these regulations, the floodplains identified by FEMA in its Flood Insurance Rate Maps Numbers 470072 0026B and 0027B dated October 16, 1992; and Numbers 470072 0001D, 0002D, 0016D, 0017D, 0018D, 0019D, 0022D, 0023D, 0024D, 0025D, 0029D, 0030D dated September 6, 1989; and Numbers 470072 0004A, 0005A, 0007A, 0008A, 0009A, 0010A, 0012A, 0014A, 0020A dated September 3, 1980; Numbers 470072 0006B, 0011B, 0015B, 0021B dated October 22, 1982; Numbers 470072 0028C dated November 1, 1985; Numbers 470071 0025D, 0043D, 0044D, 0127D, 0130D, 0135D, 0150D, 0155D, 0160D, 0175D, 0200D, 0210D, 0220D, 0230D, 0235D,

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0240D and 0255D dated September 6, 1989, and Numbers 470076 0001B and 0002B dated September 5, 1990; and Numbers 475422 0001B, 0002B, 0003B, and 0004B dated March 19, 1990; and Numbers 475445 0005B and 0010B dated June 1, 1983; and Number 475424 0010D dated August 1, 1983. At least one copy of each map has been filed in the office of the city building inspector at least fifteen (15) days prior to adoption of these amendments to the Chattanooga Zoning Ordinance for public use, inspection and examination.

- (14) Bedrock: the solid rock underlying unconsolidated surface material such as soil.
- (15) Fault: a fracture along which strata on one side have been displaced with respect to that on the other, as shown on the East Central Sheet, Geologic Map of Tennessee, 1966, William D. Hardeman, State Geologist, compiled and edited by George D. Swingle, Robert A. Miller, Edward T. Luther, William D. Hardeman, Donald S. Fullerton, C. Ronald Sykes, and R. Keith Garman. At least one (1) copy of this map has been filed in the office of the city building inspector at least fifteen (15) days prior to adoption of these amendments to the Chattanooga Zoning Ordinance for public use, inspection and examination.
- (16) Thrust Fault: a reverse fault in which the dip of the fault plane is at a low angle to horizontal and in which the hanging wall block (or upper plate) may have overridden the foot wall block (or lower plate).
- (17) Hanging Wall Block: the overlying surface of an inclined fault plane.
- (18) Foot Wall Block: the underlying surface of an inclined fault plane.
- (19) Sinkhole: a hollow in a limestone region in which drainage collects that communicates with a cavern or passage.
- (20) Private Water Supply: all water supplies that are not public water supplies and which are primary drinking water sources.
- (21) Public Water Supply: a system that supplies to the public piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days of the year.
- (22) Scenic, Cultural or Recreational Area: parks, forests, recreational areas, natural areas, museums, and wildlife

management areas owned and/or operated by the Federal, State, and or local government (or agencies created by such government); sites included on the National Register of Historic Places established by the United States Department of Interior or forwarded for consideration for National Register listing to the United States Department of Interior by the Tennessee State Historical Commission State Review Board.

- (23) Unit: a contiguous area of land on or in which hazardous or medical waste is placed, or the largest area in which there is significant likelihood of mixing hazardous waste constituents in the same area. Examples of waste management units include a surface impoundment, a waste pile, a land treatment area, a landfill cell, an incinerator, a tank and its associated piping and underlying containment system, and a container storage area. A container alone does not constitute a unit; the unit includes containers and the land or pad upon which they are placed.
- (24) Land-Based Unit: a unit subject to regulations promulgated by the Tennessee Department of Environment and Conservation Division of Solid Waste including surface impoundments, landfills, waste piles, land treatment units, and hazardous waste management units. Units exempt from groundwater monitoring correction requirements under regulations promulgated by the Tennessee Department of Environment and Conservation Division of Solid Waste and covered indoor waste piles in compliance with regulations promulgated by the Tennessee Department of Environment and Conservation Division of Solid Waste are considered non-land-based units.
- (25) Non-Land-Based Unit: an incinerator, tank and its associated piping and underlying containment system, or container storage area, hazardous waste management units and other similar units that are not subject to regulations for land-based units promulgated by the Tennessee Department of Environment and Conservation Division of Solid Waste.
- (26) Unstable Area: a location that is susceptible to natural or human-induced events or forces capable of impairing the integrity of a commercial hazardous waste or medical waste treatment or storage facility's structural components responsible for preventing releases, including:
 - (a) subsidence prone areas (i.e., areas subject to the lowering or collapse of the land surface either locally or over broad regional areas);

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- (b) areas susceptible to mass movement (i.e., where the down slope movement of soil and rock under gravitational influence occurs);
- (c) areas with weak and unstable soils (e.g., soils that lose their ability to support foundations as a result of expansion or shrinkage).

(27) Wetlands: lands which have hydric soils and a dominance (fifty percent [50%] or more of stem count based on communities) of obligate hydrophytes. They include the following generic types:

- (a) Fresh water meadows;
- (b) Shallow fresh water marshes;
- (c) Shrub swamps with semi-permanent water regimes most of the year;
- (d) Wooded swamps or forested wetlands;
- (e) Open fresh water except farm ponds; and
- (f) Bogs.

102. Identification of Storage Areas: A new or rebuilt facility, or an expanded portion of an existing facility, or any facility which changes its operations, proposed for use as a "commercial medical waste management facility," as defined in these zoning regulations notwithstanding the exclusions within the definition, shall be required, in both its building permit application prior to construction or reconstruction and in any required installation permit at the Chattanooga-Hamilton County Air Pollution Control Bureau, to identify in writing on its building and operating plans any and all portions of the proposed facility or portion of an existing facility through a change in operations or expanded portion of an existing facility proposed for "storage," as defined in these zoning regulations notwithstanding the exclusions within the definition. Such identification of storage areas shall include the total cubic footage designated for accumulation of medical wastes at the "commercial medical waste management facility," as defined in these zoning regulations notwithstanding the exclusions within the definition.

103. Prohibited Uses: No commercial hazardous waste management facility or commercial medical waste management facility unit shall be allowed to be constructed within any 500-year floodplain identified on a Flood Hazard Boundary Map or a Flood Insurance Rate Map. This restriction shall also apply to any facility that meets the definition of "commercial hazardous waste management facility" or "commercial medical waste management facility" through a change in operations that does not involve constructing or reconstructing a building, so that such facility may not operate a commercial hazardous waste management facility or a commercial medical waste management facility within any

500-year floodplain identified on a Flood Hazard Boundary Map or a Flood Insurance Rate Map.

Any construction, alteration, repair, reconstruction, or improvement to a commercial hazardous waste management facility or commercial medical waste management facility on which the start of construction was begun after the effective date of these regulations shall meet all applicable requirements for new construction as contained in these regulations, except as provided in the next sentence.

Any commercial hazardous waste management facility unit or commercial medical waste management facility unit in existence prior to the effective date of this requirement that is hereafter damaged by any means to an extent of more than fifty percent (50%) of its assessed value may be reconstructed and used as before only if it is rebuilt in a manner that complies with all requirements in effect on the date the rebuilding commences and operates in that rebuilt portion of the unit in a manner that complies with all requirements in effect on the date that operation commences in the rebuilt commercial hazardous waste management facility unit or commercial medical waste management facility unit. In addition, the following requirements must be met:

- (1) The reconstruction must not exceed the volume and external dimensions of the original structure or offer any greater obstruction to the flow of flood waters within the 500-year floodplain than did the original structure; and
- (2) The lowest floor elevation (including basement) must be above the level of the 500-year floodplain or the structure must be flood proofed to a height above the level of the 500-year floodplain. Flood proofing measures shall be in accordance with the watertight performance standards of the publication Flood-Proofed Regulations prepared by the Office of the Chief of U.S. Army Corps of Engineers, Washington, D.C. dated March 31, 1992, which is hereby incorporated by reference as if fully set forth herein. One (1) copy of this document has been filed in the office of the City Clerk at least fifteen (15) days prior to adoption of these amendments to the Chattanooga Zoning Ordinance for public use, inspection and examination; and
- (3) The reconstruction must commence within twelve (12) months after the damage first occurs, and the reconstruction must be completed within twenty-four (24) months after the damage first occurs. In the event of fire, flood, labor dispute, epidemic, abnormal weather conditions or acts of God, the reconstruction commencement time period and/or the reconstruction completion period will be extended in an amount

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equal to time lost due to delays beyond the control of the owner or operator of the facility subject to this requirement.

These requirements also apply to any commercial hazardous waste management or commercial medical waste management facility unit in existence prior to the effective date of these regulations that proposes to expand after the effective date of these regulations to the expanded portion of the facility. These requirements also apply to any commercial hazardous waste management or commercial medical waste management facility unit which is built subsequent to the adoption of these zoning regulations and thereafter damaged by any means to an extent of more than fifty percent (50%) of its assessed value.

These requirements also apply to any facility that meets the definition of "commercial hazardous waste management facility" or "commercial medical waste management facility" through a change in operations that does not involve constructing or reconstructing a building, which is thereafter damaged by any means to an extent of more than fifty percent (50%) of its assessed value.

104. Proximity of Commercial Hazardous Waste or Commercial Medical Waste Management Facilities to Other Uses: All distances are to be measured from the "unit" as defined in this zoning ordinance to the nearest point of the property boundary line of the other land use.

(1) Groundwater and Public Drinking Water Supplies:

- (a) No commercial hazardous waste or commercial medical waste management facility unit shall be located within 2000 feet horizontally of a public drinking water supply well or public water supply intake point in a river, spring, lake, pond or reservoir, or within 1000 feet horizontally of a private drinking water supply well or private water supply intake point in a river, spring, lake, pond or reservoir.
- (b) A commercial hazardous waste or commercial medical waste management facility unit shall not be constructed on a wetland or a sinkhole, nor drain into a sinkhole or into a wetland, and shall comply with all requirements necessary to obtain a National Pollution Discharge Elimination System (NPDES) permit.
- (c) No commercial hazardous waste or commercial medical waste management facility unit shall be located within an area where the depth to the seasonally high water table in the uppermost saturated zone will rise to within five (5) feet of the ground surface.

- (d) No commercial hazardous waste or commercial medical waste management facility unit at which hazardous or medical wastes are stored or treated below ground (e.g. underground tank, surface impoundment) shall be located or constructed in such a manner that the bottom of the liner system or secondary containment system is closer than ten (10) feet from the uppermost saturation area.
- (e) Vertical Buffer Zones
 - 1) Commercial hazardous waste or commercial medical waste management facility land-based units shall be located and constructed such that there is, between the bottom of the unit's liner system and the seasonably high groundwater elevation in the uppermost saturated zone underlying the unit, a buffer layer of natural and/or emplaced soil meeting one of the following descriptions:
 - a) Ten (10) feet thick, with a saturated hydraulic conductivity of 1×10^{-5} centimeters/second, or
 - b) Five (5) feet thick, with a saturated hydraulic conductivity of 1×10^{-6} centimeters/second.
 - 2) Commercial hazardous waste or commercial medical waste management facility non-land-based units shall be located and constructed such that there is, between the bottom of the unit's secondary containment system and the seasonably high water elevation in the uppermost saturated zone underlying the unit, a buffer layer of natural and/or emplaced soil meeting one of the following descriptions:
 - a) Four feet thick, with a saturated hydraulic conductivity of 1×10^{-5} centimeters/ second, or
 - b) Two feet thick, with a saturated hydraulic conductivity of 1×10^{-6} centimeters/ second, or
 - c) A buffer layer of other material, mechanically separate from the secondary containment system which will provide protection to fluid movement equivalent or superior to (e) 2)a) or b).
 - 3) Hydraulic conductivity measurements are to be measured by the ASTM D5084 soil permeability test.

(ARTICLE XV, Hazardous Waste Regulations, continued...)

- 4) No commercial hazardous waste or commercial medical waste management facility unit or on-site access road to it shall be located within an area on the hanging wall block of a thrust fault line such that a vertical line as determined by a plumb line drilled by core drill to a depth of two hundred (200) feet will intersect a fault plane.
-
- (2) County Septic Tank Pumper Permanent Dumping Sites: No commercial hazardous waste or commercial medical waste management facility unit shall be located within 1000 feet of any septic tank pumper permanent dumping site authorized by the Chattanooga-Hamilton County Health Department Rules and Regulations governing subsurface sewage disposal, including open-air disposal of septic tank effluent through land absorption.
 - (3) Scenic, Cultural and Recreational Areas: No commercial hazardous waste or commercial medical waste management facility unit shall be located within, or within 500 feet of, a scenic, cultural or recreational area in existence on the date a completed building permit application is submitted.
 - (4) Structures: To minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of surrounding areas, the following minimum separation distances shall be required of any commercial hazardous waste or commercial medical waste management facility unit:
 - (a) It shall not be located within 2000 feet of existing schools, hospitals, or day care centers, residences or residential zones.
 - (b) It shall not be located within 200 feet of any commercial buildings, other than those which are part of the facility.
 - (c) It shall not be located within 1000 feet of existing churches and non-commercial buildings, other than those which are part of the facility.
 - (d) A commercial hazardous waste management facility or commercial medical waste management facility unit shall not be located within 200 feet of the facility's property boundaries.

- (e) It shall not be located within 2000 feet of an existing commercial hazardous waste management facility or commercial medical waste management facility unit or site specifically designated as a superfund site by either state or federal regulations, provided this restriction does not apply to a site which is temporarily used to ameliorate an adjacent site.
 - (f) Except for the purposes of Structures (4)(d)., distance measurements shall be from the nearest point in a property line of a parcel containing the non-hazardous or non-medical waste management facility use to the nearest point of the "unit" as defined in this zoning ordinance.
- (5) Unstable Areas: No commercial hazardous or medical waste management facility unit shall be located or constructed in an unstable area.

105. Exceptions:

A. The following solid wastes are not hazardous wastes:

- (1) Household waste, including household waste that has been collected, transported, stored, treated, disposed, recovered (e.g., refuse-derived fuel) or reused. "Household waste" means any material (including garbage, trash and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas). A resource recovery facility managing municipal solid waste shall not be deemed to be treating, storing, disposing of, or otherwise managing hazardous wastes for the purposes of regulation under this definition, if such facility:
 - (a) Receives and burns only
 - 1) Household waste (from single and multiple dwellings, hotels, motels, and other residential sources) and
 - 2) Solid waste from commercial or industrial sources that does not contain hazardous waste; and
 - (b) Such facility does not accept hazardous wastes and the owner or operator of such facility has

(ARTICLE XV, Hazardous Waste Regulations, continued...)

established contractual requirements or other appropriate notification or inspection procedures to assure that hazardous wastes are not received at or burned in such facility.

- (2) Solid wastes generated by any of the following and which are returned to the soils as fertilizers:
 - (a) The growing and harvesting of agricultural crops.
 - (b) The raising of animals, including animal manures.
- (3) Mining overburden returned to the mine site.
- (4) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste, generated primarily from the combustion of coal or other fossil fuels, except as provided by 40 Code of Federal Regulations 266.112 for facilities that burn or process hazardous waste.
- (5) Drilling fluids, produced waters, and other wastes associated with the exploration, development or production of crude oil, natural gas or geothermal energy.
- (6) Wastes which fail the test for the Toxicity Characteristic because chromium is present or are listed in Title 40 Code of Federal Regulations Part 261, subpart D due to the presence of chromium which do not fail the test for the Toxicity Characteristic for any other constituent or are not listed due to the presence of any other constituent, and which do not fail the test for any other characteristic, if it is shown by a waste generator or by waste generators that:
 - (a) The chromium in the waste is exclusively (or nearly exclusively) trivalent chromium; and
 - (b) The waste is generated from an industrial process which uses trivalent chromium exclusively (or nearly exclusively) and the process does not generate hexavalent chromium; and
 - (c) The waste is typically and frequently managed in non-oxidizing environments.
- (7) Specific wastes which meet the standard in Section 105 A (6)(a), (b), and (c) (so long as they do not fail the test

for Toxicity Characteristic, and do not fail the test for any other characteristic) are:

- (a) Chrome (blue) trimmings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retain/wet finish; no beamhouse; through-the-blue; and shearling.
- (b) Chrome (blue) shavings generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.
- (c) Buffing dust generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; no beamhouse; through-the-blue.
- (d) Sewer screenings generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.
- (e) Waste water treatment sludges generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.
- (f) Waste water treatment sludges generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/retan/wet finish; hair save/chrome-tan/retan/wet finish; and through-the blue.
- (g) Waste scrap leather from the leather tanning industry, the shoe manufacturing industry, and other leather product manufacturing industries.
- (h) Waste water treatment sludges from the production of TiO₂ pigment using chromium-bearing ores by the chloride process.

(ARTICLE XV, Hazardous Waste Regulations, continued...)

- (8) Solid waste from the extraction, beneficiation, and processing of ores and minerals (including coal, phosphate rock and overburden from the mining of uranium ore), except as provided by 40 Code of Federal Regulations 266.112 for facilities that burn or process hazardous waste. For purposes of 40 CFR 261.4(b)(7), beneficiation of ores and minerals is restricted to the following activities: Crushing; grinding; washing; dissolution, crystallization; filtration; sorting; sizing; drying; sintering; pelletizing; briquetting; calcining to remove water and/or carbon dioxide; roasting, autoclaving, and/or chlorination in preparation for leaching (except where the roasting (and/or autoclaving) and/or chlorination)/leaching sequence produces a final or intermediate product that does not undergo further beneficiation or processing); gravity concentration; magnetic separation; electrostatic separation; flotation; ion exchange; solvent extraction; electrowinning; precipitation; amalgamation; and heap, dump, vat, tank, and in situ leaching. For the purpose of 40 CFR 261.4(b)(7), solid waste from the processing of ores and minerals includes only the following wastes:

- (a) Slag from primary copper processing;
- (b) Slag from primary lead processing;
- (c) Red and brown muds from bauxite refining;
- (d) Phosphogypsum from phosphoric acid production;
- (e) Slag from elemental phosphorus production;
- (f) Gasifier ash from coal gasification;
- (g) Process wastewater from coal gasification;
- (h) Calcium sulfate wastewater treatment plant sludge from primary copper processing;
- (i) Slag tailings from primary copper processing;
- (j) Fluorogypsum from hydrofluoric acid production;
- (k) Process wastewater from hydrofluoric acid production;
- (l) Air pollution control dust/sludge from iron blast furnaces;
- (m) Iron blast furnace slag;
- (n) Treated residue from roasting/leaching of chrome ore;
- (o) Process wastewater from primary magnesium processing by anhydrous process;
- (p) Process wastewater from phosphoric acid production;
- (q) Basic oxygen furnace and open hearth furnace air pollution control dust/sludge from carbon steel production;
- (r) Basic oxygen furnace and open hearth furnace slag from carbon steel production;
- (s) Chloride process waste solids from titanium tetrachloride production;

- (t) Slag from primary zinc processing.
- (9) Cement kiln dust waste, except as provided by 40 CFR 266.112 for facilities that burn or process hazardous waste.
- (10) Solid waste which consists of discarded wood or wood products which fails the test for the Toxicity Characteristic solely for arsenic and which is not a hazardous waste for any other reason or reasons, if the waste is generated by persons who utilize the arsenical-treated wood and wood products for these materials' intended end use.
- (11) Petroleum-contaminated media and debris that fail the test for the Toxicity Characteristic of 40 CFR 261.24 (Hazardous Waste Codes D018 through D042 only) and are subject to the corrective action regulations under 40 CFR 280.
- (12) Injected groundwater that is hazardous only because it exhibits the Toxicity Characteristic (Hazardous Waste Codes D018 through D043 only) in 40 CFR 261.24 that is reinjected through an underground injection well pursuant to free phase hydrocarbon recovery operations undertaken at petroleum refineries, petroleum marketing terminals, petroleum bulk plants, petroleum pipelines, and petroleum transportation spill sites until January 25, 1993. This extension applies to recovery operations in existence, or for which contracts have been issued, on or before March 25, 1991. For groundwater returned through infiltration galleries from such operations at petroleum refineries, marketing terminals, and bulk plants, until January 1, 1993. New operations involving injection wells (beginning after March 25, 1991) will qualify for this compliance date extension (until January 25, 1993) only if:
 - a) Operations are performed pursuant to a written state agreement that includes a provision to assess the groundwater and the need for further remediation once the free phase recovery is completed; and
 - b) A copy of the written agreement has been submitted to: Characteristics Section (OS-333), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.
- (13) Used chlorofluorocarbon refrigerants from totally enclosed heat transfer equipment, including mobile air conditioning

(ARTICLE XV, Hazardous Waste Regulations, continued...)

systems, mobile refrigeration, and commercial and industrial air conditioning and refrigeration systems that use chlorofluorocarbons as the heat transfer fluid in a refrigeration cycle, provided the refrigerant is reclaimed for further use.

(14) Used oil that exhibits one or more of the characteristics of hazardous waste but is recycled in some other manner than being burned for energy recovery.

(15) Any waste from any facility sited within Hamilton County, which waste is excluded from Title 40 Code of Federal Regulations Part 261.3 or the lists of hazardous wastes in Title 40 Code of Federal Regulations Part 261, Subpart D, by the United States Environmental Protection Agency pursuant to Title 40 Code of Federal Regulations Part 260.20 or Part 260.22 and published in either the Federal Register or in Title 40 Code of Federal Regulations Part 261, Appendix IX, or in both.

B. For purposes of this definition and these zoning regulations, "solid waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under section 33 U.S.C. 1342, or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923)[42 U.S.C.A. Section 2011 et. seq.].

C. The following materials are not solid wastes for the purpose of this definition:

(1) Domestic sewage and any mixture of domestic sewage and other wastes that passes through a sewer system to a publicly-owned treatment works for treatment. "Domestic sewage" means untreated sanitary wastes that pass through a sewer system.

(2) Industrial wastewater discharges that are point source discharges subject to regulation under section 402 of the Clean Water Act, as amended. This exclusion applies only to the actual point source discharge. It does not exclude industrial waste waters while they are being collected,

stored or treated before discharge, nor does it exclude sludges that are generated by industrial wastewater treatment.

- (3) Irrigation return flows.
- (4) Source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq.
- (5) Materials subjected to in-situ mining techniques which are not removed from the ground as part of the extraction process.
- (6) Pulping liquors (i.e. black liquor) that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process, unless it is accumulated speculatively as defined in 40 Code of Federal Regulations 261.1(c).
- (7) Spent sulfuric acid used to produce virgin sulfuric acid, unless it is accumulated speculatively as defined in 40 Code of Federal Regulations 261.1(c).
- (8) Secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process provided:
 - a) Only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;
 - b) Reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces, or incinerators);
 - c) The secondary materials are never accumulated in such tanks for over twelve months without being reclaimed; and
 - d) The reclaimed material is not used to produce a fuel, or used to produce products that are used in a manner constituting disposal.
- (9) Spent wood preserving solutions that have been reclaimed and are reused for their original intended purpose; and waste waters from the wood preserving process that have been reclaimed and are reused to treat wood.

(ARTICLE XV, Hazardous Waste Regulations, continued...)

(10) When used as a fuel, coke and coal tar from the iron and steel industry that contains or is produced from decanter tank tar sludge, EPA Hazardous Waste K087. The process of producing coke and coal tar from such decanter tank tar sludge in a coke oven is likewise excluded from regulation.

(11) Materials that are reclaimed from solid waste and that are used beneficially are not solid wastes and hence are not hazardous waste unless the reclaimed material is burned for energy recovery or used in a manner constituting disposal.

D. A facility that reclaims materials that are used beneficially as provided in Section 105 C(11) from solid waste it created is not a commercial hazardous waste management facility for the purpose of this Ordinance, unless that facility also stores or disposes of hazardous waste of which more than twenty-five percent (25%) by volume was generated off-site during either six-month period January 1 through June 30 or July 1 through December 31 in any calendar year, with the percentage to be the percent of the amount generated on-site at the receiving facility during the corresponding time period of the preceding calendar year.

106. Zoning Requirements: Commercial Hazardous Management Facilities and Commercial Medical Waste Management Facilities shall be permitted only in the M-1 Manufacturing Zone subject to the requirements of the M-1 Zone and the provisions of Article XV.

107. Building Permit Application Requirements: Application for a building permit shall be accompanied by a site plan indicating method and hours of operation, building and structure location and function, extent and nature of all screening and buffer areas, type and volume of waste materials, proximity to waterways and drainage characteristics, location and type of surrounding land use. Additional information, if required, shall be submitted upon request by the chief building official.

108. Severability: If any provision of these zoning regulations or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of these zoning regulations which can be given effect without the invalid provision or application, and to that end the provisions of these zoning regulations are declared to be severable.

[Ordinance No. 9875 - 5/11/93]